



**CITY OF DULUTH**

Community Planning Division

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<b>File Number</b>	PL 17-163	<b>Contact</b>	Steven Robertson	
<b>Type</b>	UDC Map Amendment, Rezone from R-1 to AP and R-C	<b>Planning Commission Date</b>	November 14, 2017	
<b>Deadline for Action</b>	<b>Application Date</b>	N/A, City Action	<b>60 Days</b>	N/A, City Action
	<b>Date Extension Letter Mailed</b>	N/A, City Action	<b>120 Days</b>	N/A, City Action
<b>Location of Subject</b>	Sky Harbor Airport			
<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>	October 30, 2017	<b>Sign Notice Date</b>	October 30, 2017	
<b>Neighbor Letter Date</b>	October 24, 2017	<b>Number of Letters Sent</b>	5	

**Proposal**

The City is proposing to rezone properties in the general area of the Sky Harbor Airport and the end of Minnesota Point from Residential-Traditional (R-1) to Airport (AP) and Rural-Conservation (R-C), in conformance with the Comprehensive Plan's 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	Airport, Open Space	Preservation/Transportation and Utilities
<b>North</b>	N/A	N/A	N/A
<b>South</b>	N/A	N/A	N/A
<b>East</b>	N/A	N/A	N/A
<b>West</b>	P-1	Public Park	Preservation

**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.

**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.

**Transportation and Utilities:** Applicable to airports, the Port terminals, large highway rights-of-way and similar Uses.

**Governing Principle #2 - Declare the necessity and secure the future of undeveloped places** Undeveloped areas are an essential part of Duluth's municipal fabric - urban plazas, neighborhood parks, large tracts of public ownership and private lands zoned for minimal development. These minimally or undeveloped areas collectively create an open space system. These areas contribute to Duluth's cultural, health, recreational, and economic value and community identity. This open space system provides vistas, encourages active recreation, provides natural infrastructure as storm water retention, plant and animal habitat and water quality, and is the strongest visual element defining Duluth's sense of place.

**Governing Principle #6 - Reinforce the place-specific.** Public and private actions should reinforce cultural, physical and economic features which have traditionally defined Duluth, its open space and its neighborhoods. This includes commercial areas providing neighborhood goods and services, ravine parks and other natural Features that define neighborhood edges and view corridors to the Lake or River which serve to provide location and context.

**Recent History:** Recent History: Prior to the adoption of the UDC in November 2010, the subject area was zoned R-1-C, One Family Residential District. Included with this staff report is a zoning map from the Duluth Zoning Regulations, 1981. Additionally, the area around the airport was subject to the Sky Harbor Airport Zoning found in Article XXVII of the zoning ordinance.

In 2012, the City initially intended on rezoning most of this area to P-1 (PL 12-118), but the rezoning area was reduced to just City owned park land immediately before the boundary of Sky Harbor Airport, due in part to concerns with zoning the airport to P-1.

The City adopted a new zoning district, Airport (AP) with the intent that both Sky Harbor and the International Airport be rezoned.

A small area plan of the Park Point area was adopted in May 2016; it had no recommendations related to the airport or to the end of Minnesota Point.

The 1988 International Airport Zoning Ordinance between the cities of Hermantown, Duluth, Rice Lake, Canosia Township, and St. Louis County, does not address the Sky Harbor Airport, but the UDC has an Airport Overlay district that attaches additional limitations and standards on development within the overlay.

**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 yellow box of the Proposed Rezoning Area Map) has a future land use designation of primarily Transportation and Utilities, which can translate into the Unified Development Chapter's Airport (AP) zoning district. It is currently zoned R-1, and the current land use is for the Sky Harbor Airport.

4) Area B (in the blue box of the Proposed Rezoning Area Map) has a future land use designation of Preservation, which can translate into the Unified Development Chapter's Rural-Conservation (R-C) zoning district. It is currently zoned R-1; other than a few misc. structures (such as municipal water pumping station), most of this area is forest and sensitive/shoreland areas.

5) 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.

6) The AP district is intended to protect and reserve lands dedicated for airport operations. Structures and development (e.g., parking, hangars) that are incidental to and supportive of airport operations may be permitted.

7) The R-C district is established to accommodate low-density, single-family detached residential uses on parcels of at least ten acres each in areas where the comprehensive land use plan calls for protection of rural character. The district encourages development designs that conserve open space and natural resources and preserve rural character. Complimentary uses such as limited agriculture, parks, minor utilities and certain temporary uses are allowed.

8) Based on the future land use designation, character and development history of this neighborhood and the purpose statements of the AP, R-1, and R-C zone districts, rezoning as proposed in the attached map titled Attachment 1 Exhibit, is appropriate for this neighborhood.

9) The city, as of the date this was written, has received no formal written comments nor phone calls in regard to this proposal.

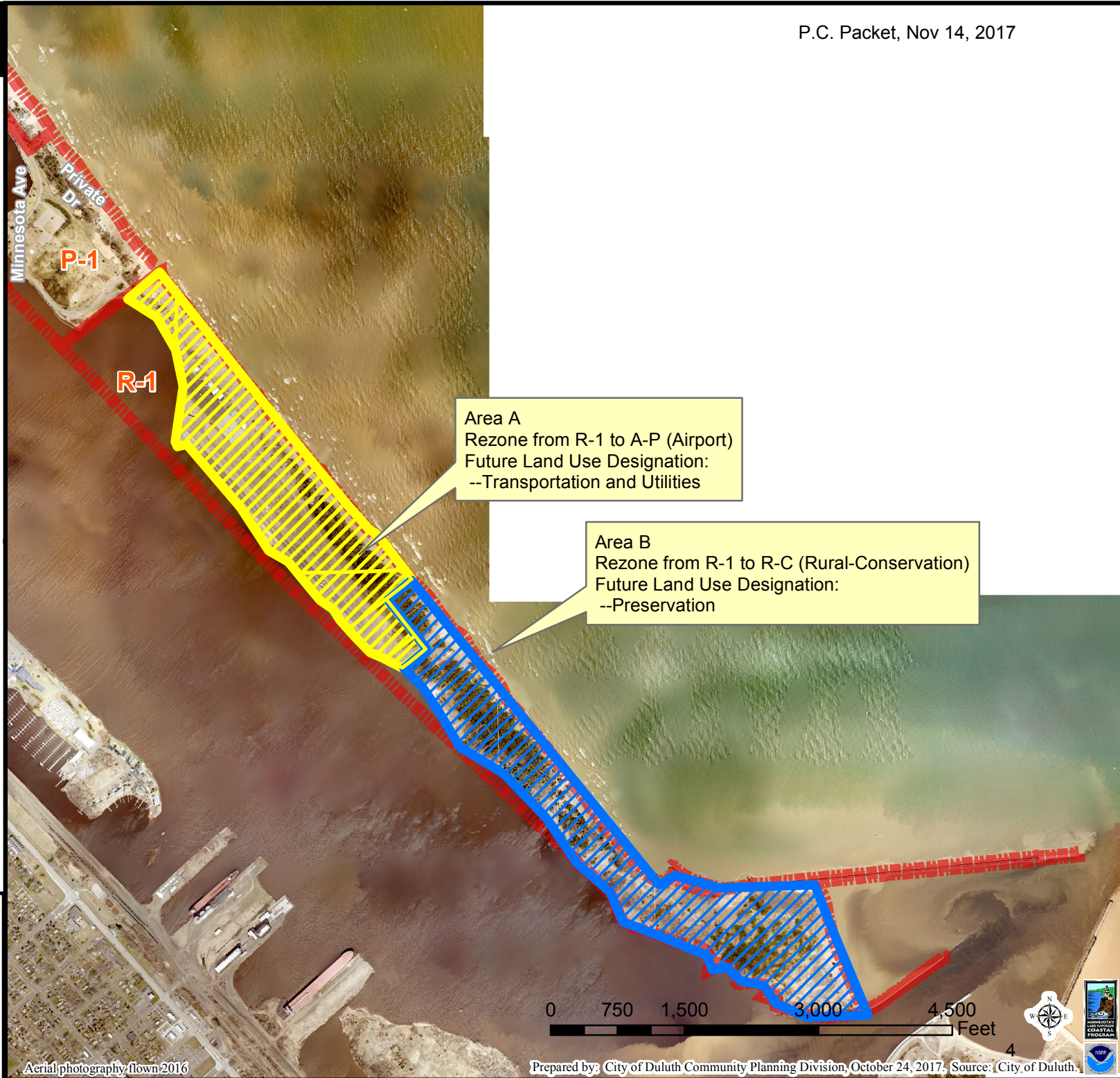
### **Staff Recommendation**

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.



Area A  
 Rezone from R-1 to A-P (Airport)  
 Future Land Use Designation:  
 --Transportation and Utilities

Area B  
 Rezone from R-1 to R-C (Rural-Conservation)  
 Future Land Use Designation:  
 --Preservation

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.

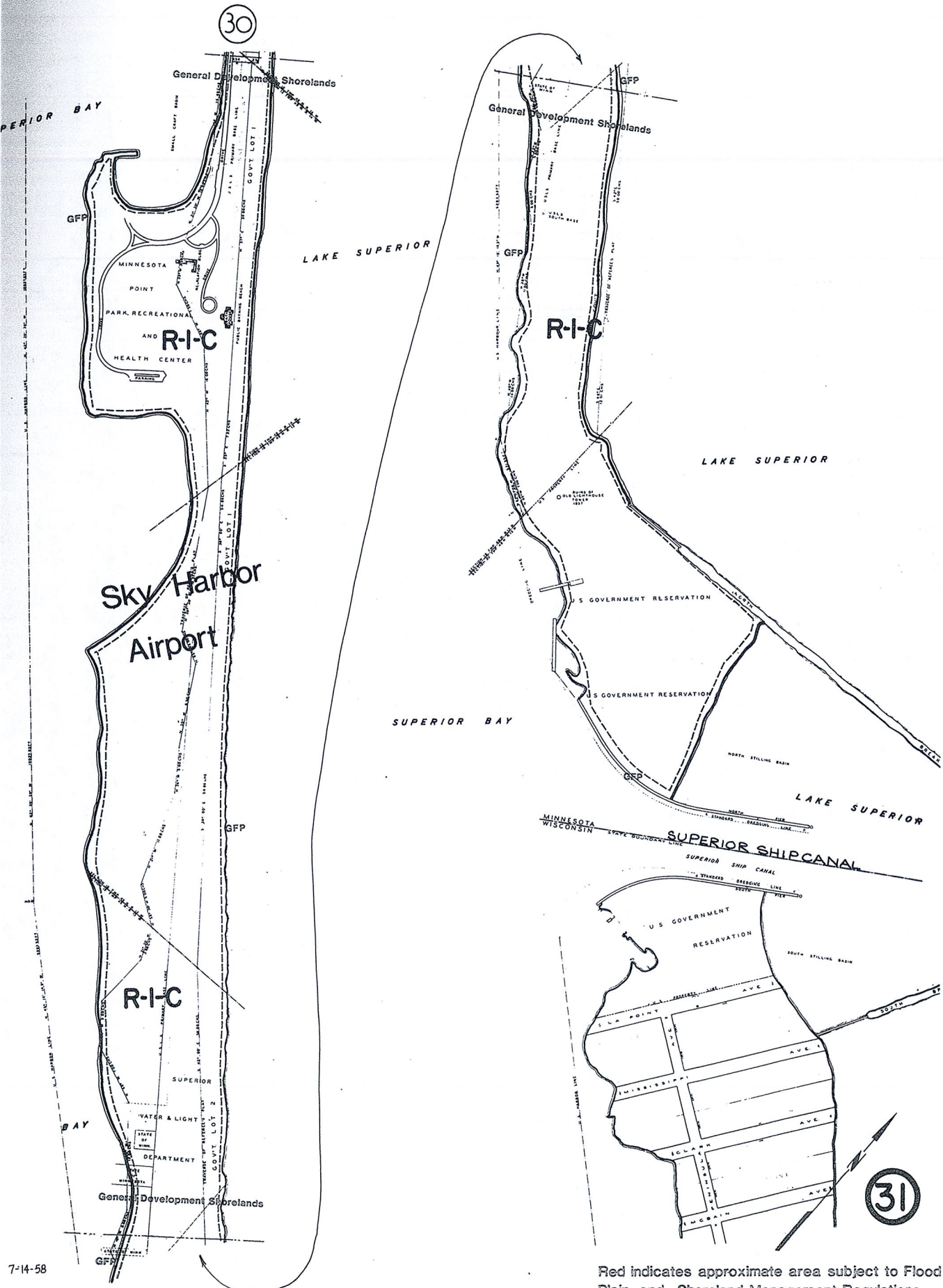
Aerial photography flown 2016



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Aerial photography flown 2016





7-14-58

Red indicates approximate area subject to Flood Plain and Shoreland Management Regulations  
 (See chapter 51 of the legislative code. Wetlands are also regulated by chapter 51 but are not shown on this map.)

## Uses Allowed in Residential-Traditional (R-1) Zone District Revised September 25, 2017

### 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 Rural-Conservation (R-C) Zone District Revised September 25, 2017**

### Permitted Uses

- Dwelling, one-family
- Park, playground, or forest reserve
- Agriculture, community garden
- Agriculture, general
- Seasonal camp or cabin
- Day care facility, small (14 or fewer)

### Special or Interim Uses

- Cemetery or mausoleum
- Kennel
- Riding stable
- Veterinarian or animal hospital
- Recreational Vehicle Park
- Airport and related facilities
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Water or sewer pumping stations/reservoirs

## **Uses Allowed in Airport (AP) Zone District Revised September 25, 2017**

### Permitted Uses

- Government building or public safety building
- Airport and related facilities
- 

### Special or Interim Uses

- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Water or sewer pumping stations/reservoirs