



CITY OF DULUTH

Community Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

| | | | | |
|-----------------------------|--|---------------------------------|--------------------------|----------------------|
| File Number | PL 19-069 | Contact | Steven Robertson | |
| Type | Rezone from R-1, to R-2 | Planning Commission Date | June 11, 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 | | | | |
| Applicant | City of Duluth | Contact | Planning and Development | |
| Agent | | Contact | | |
| Legal Description | Enger Park Golf Course, See Attached Map | | | |
| Site Visit Date | May 28, 2019 | Sign Notice Date | May 29, 2019 | |
| Neighbor Letter Date | May 30, 2019 | Number of Letters Sent | 41 | |

Proposal

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

Staff Recommendation

Staff is recommending approval of the proposed rezoning at Enger Park Golf Course to R-2.

| | Current Zoning | Existing Land Use | Future Land Use Map Designation |
|----------------|-----------------------|--------------------------|--|
| Subject | R-1 | Golf Course/Parking Lot | Urban Residential |
| North | R-1 | Golf Course | Open Space |
| South | R-1 | Golf Course, Undeveloped | Open Space |
| East | R-1 | Golf Course, Undeveloped | Open Space |
| West | R-1 | Golf Course, Undeveloped | Open Space |

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 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 developed 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, supplies natural infrastructure such 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 5 -Promote reinvestment in neighborhoods.

Duluth is strongly defined by its neighborhoods. This system should be supported through land use and transportation that foster neighborhood reinvestment. New development or redevelopment should maximize public investment that strengthens neighborhood commercial centers or diversifies residential opportunities that fit the neighborhood's character.

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

Future Land Use

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.

Future Land Use Open Space. High natural resource or scenic value, with substantial restrictions and development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls. Examples include: city parks and recreation areas, primary viewsheds, shorelands of the lake and streams, wetlands and floodplains, and high-value habitat.

Review and Discussion Items

Staff finds that:

- 1) The City is proposing to rezone property from the current zoning of R-1 (Residential-Urban), to R-2 (Residential-Urban).
- 2) State Statute requires that a community's zoning map implement the general objectives of the Comprehensive Plan. The future land use category of Urban-Residential is most commonly reflected in the City's zoning map as R-2. This proposed rezoning action is to update the city's zoning map so that it matches the resolution approved by the City Council on May 13, 2019 (19-0305R).
- 3) 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.
- 4) The subject area has a future land use designation of Urban-Residential, which translates most often into the R-2 zone district. The current land use is related to public recreation, a golf course and its attendant parking lot.
- 5) The purpose of the R-2 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) This specific rezoning action is not in anticipation of any specific development proposal; it is instead intended to update the zoning map to reflect the recent change to the future land use designation. Any proposed new land use at this subject area would follow zoning standards for reducing land use conflicts, such as mandatory buffering and landscaping, reasonable limits on light and noise, as well as storm water treatment and detention. In addition, access management controls (reducing conflict points on roads) would be considered to reduce impacts for future vehicle traffic into the existing street network. If this site was rezoned in the future as a planned development (similar to Bluestone Commons or Ramsey Village) there would be comparable land use controls.
- 7) Based on the future land use designation (as recently amended by the City Council) and the purpose statement of the R-2 zone district, rezoning as proposed in the attached map is appropriate for this neighborhood. .
- 8) No written correspondence has been received as of the date that this memo was printed (June 4, 2019).

Staff Recommendation

Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning as shown.

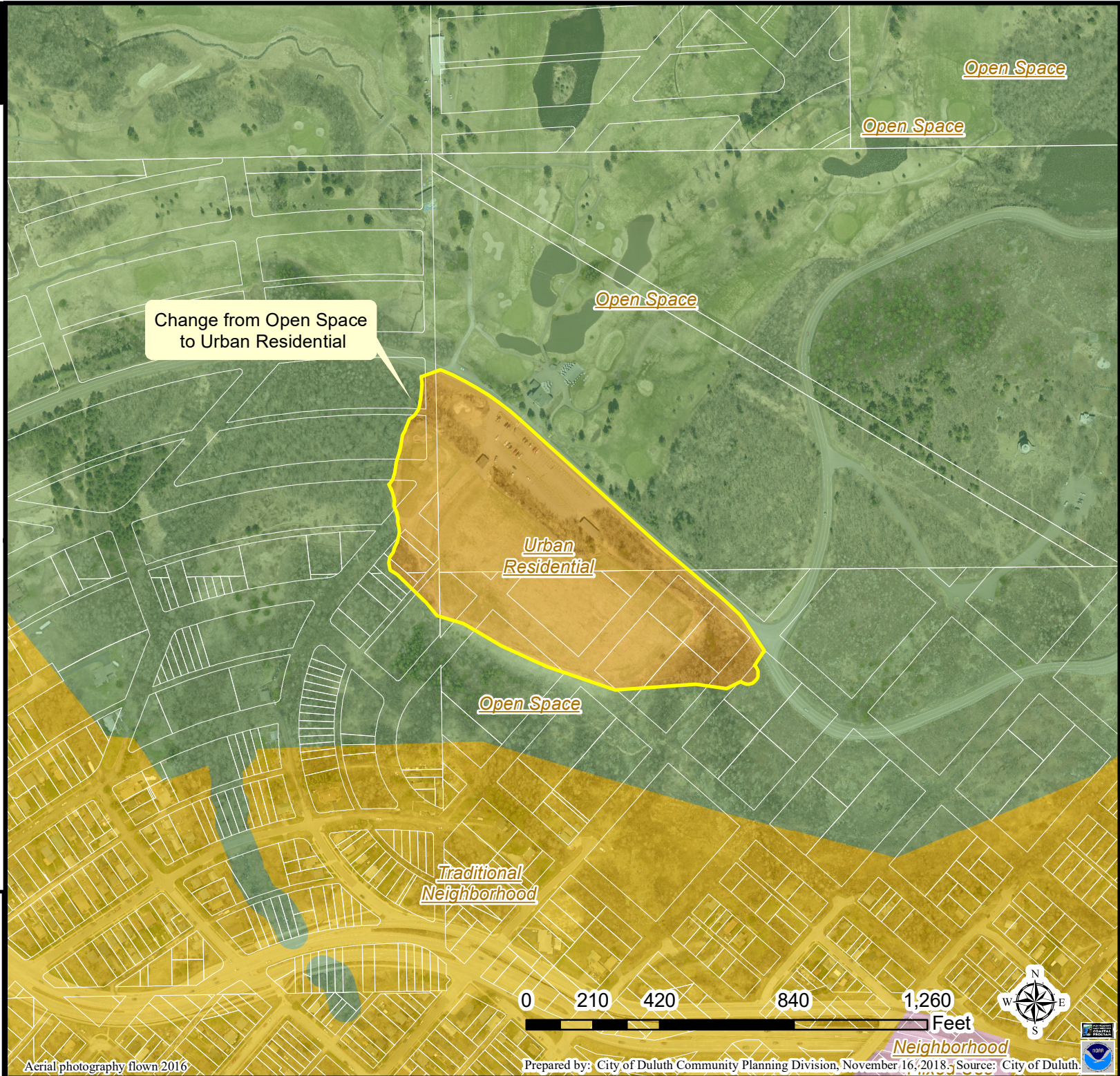
- 1) The proposed zone districts are the most reasonably able to implement the objectives of the Comprehensive Plan related to the land use for this area.
- 2) Material adverse impacts on nearby properties are not anticipated.
- 3) The rezoning is consistent with the Comprehensive-Plan Future Land Use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



**Enger Park
Open Space to Urban Residential**

Legend

- 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



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.



R-1 (Residential Traditional)

City of Duluth Owned Property,
Rezone R-1 to R-2

R-2 (Residential Urban)

Trinity Road
W Skyline Pkwy
Hank Jensen Dr
Enger Park Dr
W 14th St Alley
W 13th St Alley
W Diamond Ave
W 13th St Alley
US Hwy 53
Piedmont Ave
N 24th Ave W
W 13th St Alley
W 12th St Alley
US Hwy 53
W 12th St Alley
W 11th St Alley
N 22nd Ave W
W 10th St Alley
Voss Ave
Piedmont Ave
US Hwy 53
W 8th St Alley
W 7th St
W 6th St
W 5th St
N 19 1/2 Ave W
W 4th St
N 18 1/2 Ave W
W 3rd St Alley
New St
N 17th Ave W
N 17 1/2 Ave W
N 17th Ave W
W 3rd St Alley

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