



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 23-157	Contact	Jenn Moses	
Type	UDC Map Amendment	Planning Commission Date	October 10, 2023	
Deadline for Action	Application Date	September 1, 2023	60 Days	October 31, 2023
	Date Extension Letter Mailed	September 1, 2023	120 Days	December 30, 2023
Location of Subject	Four parcels located between 4831 Grand Avenue and W 4 th Street			
Applicant	Our Saviors Lutheran Church	Contact	Roxanne Bijold	
Agent		Contact		
Legal Description	Parcels 010-4520-14290, 010-3610-10030, 010-3610-10040, and 010-3610-10050			
Site Visit Date	September 22, 2023	Sign Notice Date	September 26, 2023	
Neighbor Letter Date	September 22, 2023	Number of Letters Sent	44	

Proposal

UDC Map Amendment (rezoning) to change the zoning of property adjacent to 4831 Grand Avenue from Residential-Traditional (R-1) to Mixed Use-Neighborhood (MU-N). This proposal is consistent with the comprehensive plan.

Staff Recommendation

Staff recommend that the Planning Commission recommend approval for rezoning three of the four parcels to City Council.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Church	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	MU-N	Commercial	Neighborhood Commercial
East	R-1	Residential	Traditional Neighborhood
West	MU-N	Multi-family Residential	Neighborhood Commercial

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.

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

Governing Principle #1 – Reuse previously developed lands: Directs new investment to sites which have the potential to perform at a higher level than their current state. This strengthens neighborhoods and supports reuse of existing public infrastructure. This site is an existing church adjacent to public streets and a transit line.

Governing Principle #5 – Promote reinvestment in neighborhoods: Land use and transportation should foster neighborhood reinvestment,...strengthen neighborhood commercial centers, or diversify residential opportunities that fit the neighborhood’s character. This rezoning allows a mixture of residential opportunities in addition to the existing church use.

Future Land Use – Traditional Neighborhood: Characterized by grid or connected street pattern ... limited commercial, schools, churches, and home businesses.

History: Property contains a church built in 1957.

Review and Discussion Items:

Staff finds that:

1. Our Saviors Lutheran Church owns a total of 9 parcels. The four parcels to the rear of the building are currently zoned Residential-Traditional (R-1), while the remaining parcels along Grand Avenue are zoned Mixed Use-Neighborhood. This split zoning is likely due to the existing land use pattern that supports a mix of commercial and residential along Grand Avenue, and residential along the properties adjacent to W 4th Street.
2. The current split zoning does not allow the property owner to use the existing property in a unified or consistent manner. When the church was built in 1957, the building code allowed buildings to span multiple parcels; this would not be permitted today. The pattern of zoning followed those parcel lines, and because churches are permitted in the R-1 district, was never addressed or changed.
3. The Future Land Use Map of the Comprehensive Plan indicates Neighborhood Commercial along Grand Avenue and Traditional Neighborhood along W 4th Street. However, the dividing line of the future land uses does not follow parcel lines exactly, instead angling around properties on this block and the two adjacent blocks in ways that suggests Neighborhood Commercial is not limited only to the half block fronting Grand Avenue.
4. Duluth has recently seen many churches adapt to changes in membership, attendance, and congregation/community needs in a variety of ways, including adaptive reuse of all or portions of existing church buildings. This property owner intends to adapt a portion of the existing building to a new use, but is not able to do so since the zoning creates an artificial division within the existing building. The applicant has stated that the intent is to work with CHUM to provide housing. Whether the future use is housing or another use, incorporating the entire building with one consistent zone district helps determine allowable uses.
5. 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. 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.
6. The purpose of the MU-N zone district is “to accommodate a mix of neighborhood-scale, neighborhood serving non-residential uses and a range of residential uses located in close proximity.” This is consistent with the Future Land Use designation of Neighborhood Commercial.
7. The Comprehensive Plan supports the rezoning to MU-N in the following ways: a majority of the applicant’s property is guided for Neighborhood Commercial; surrounding and adjacent properties are a mix of commercial and residential in a manner that matches the Neighborhood Commercial land use; the MU-N district is consistent with the Neighborhood Commercial designation; and it supports governing principles such as reuse of previously developed lands and reinvestment in neighborhoods.
8. One of the parcels proposed for rezoning, parcel 010-3610-10050, has historically been used as parking for the church but is otherwise a vacant parcel. It is therefore distinct from the other parcels under consideration, both in existing land use and the potential for adverse impacts on nearby properties. As this property could easily be sold or transferred, and it is directly adjacent to a neighboring residential property, staff recommends this parcel be excluded from the rezoning.
9. This amendment, for the remaining three parcels, will not create material adverse impacts on nearby properties as it is consistent with other land uses in the area, the existing church building is expected to remain, and zoning criteria such

as lighting and buffering are designed to mitigate adverse impacts.
10. No public, agency, or City comments were received.

Staff Recommendation:

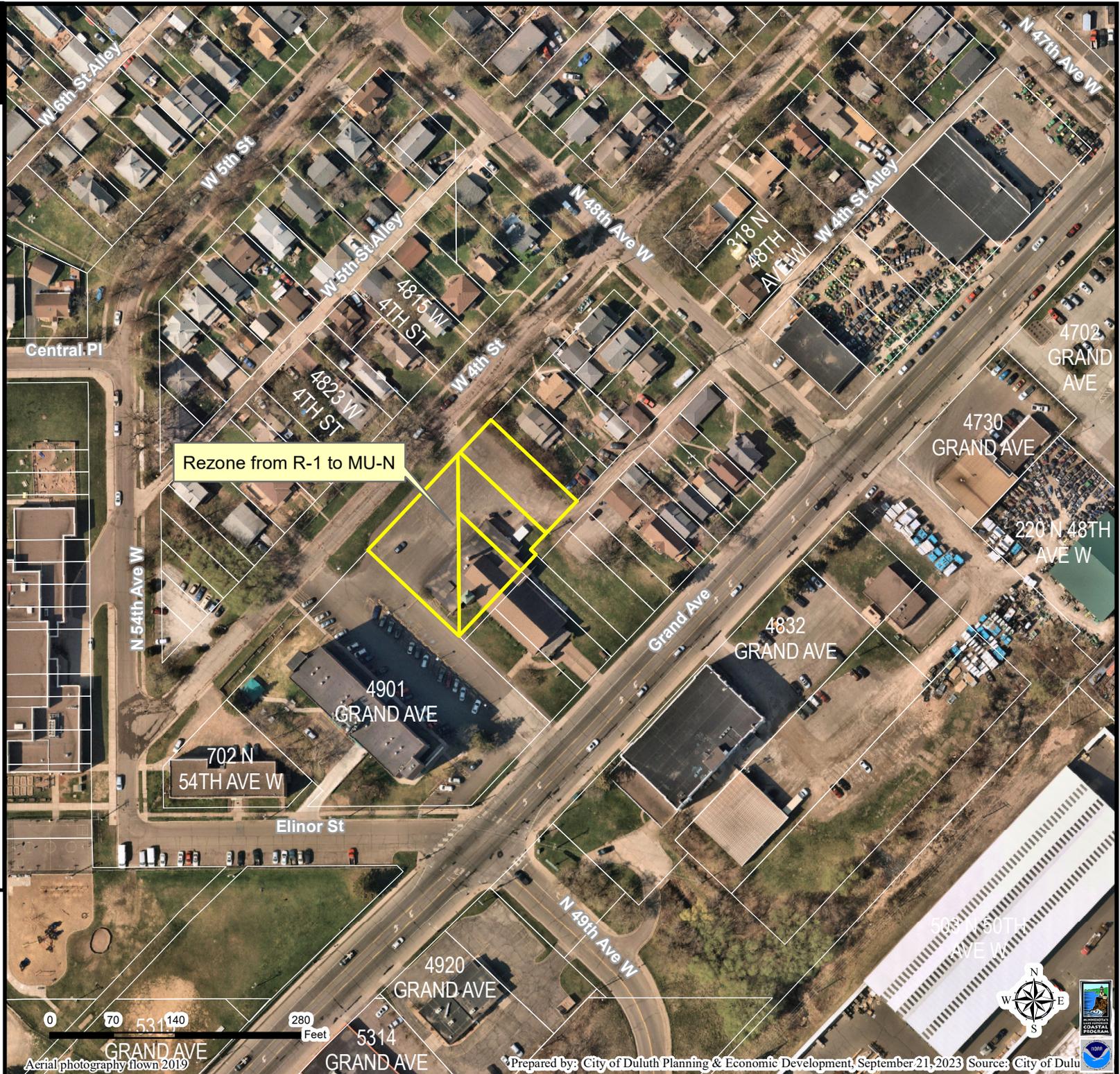
Based on the above findings, staff recommends that Planning Commission recommend approval of the UDC Map Amendment for parcels 010-4520-14290, 010-3610-10030, and 010-3610-10040 for the following reasons:

- 1) This proposal is consistent with the Comprehensive Land Use Plan.
- 2) The proposed amendment is consistent with the future land use category of “Neighborhood Commercial” and with existing land uses.
- 3) Material adverse impacts on nearby properties are not anticipated.

Staff recommends that Planning Commission not include parcel 010-3610-10050 in this recommendation, due to the potential for adverse material impacts.



PL23-157
UDC Map Amendment
4831 Grand Avenue



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Aerial photography flown 2019

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