



CITY OF DULUTH

Community Planning Division

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File Number	PL 18-069	Contact	Kyle Deming, kdeming@duluthmn.gov	
Type	Rezone to MU-P (Mixed Use-Planned)	Planning Commission Date	June 12, 2018	
Deadline for Action	Application Date	May 11, 2018	60 Days	July 10, 2018
	Date Extension Letter Mailed	May 31, 2018	120 Days	September 8, 2018
Location of Subject	South side of Arrowhead Rd. ¼ mile west of Arlington Ave.			
Applicant	Duluth Gospel Tabernacle	Contact		
Agent	LHB	Contact	Heidi Bringman, Heidi.bringman@lhbcorp.com	
Legal Description	See Attached			
Site Visit Date	May 28, 2018	Sign Notice Date	June 1, 2018	
Neighbor Letter Date	May 31, 2018	Number of Letters Sent	15	

Proposal

The applicant is proposing to rezone the north 18 acres of the Harbor Light plat to Mixed Use-Planned (MU-P) to accommodate 3.9 acres of mixed-use/commercial uses on Lots 1 and 2 near Arrowhead Rd., 5.0 acres of community/civic space in Lot 3, 1 acre of street infrastructure, and 7 acres of open space to be preserved on the balance of the 18 acres.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-2	Forested undeveloped	Urban Residential
North	R-2 and MU-C	Wetland and Undeveloped	Neighborhood Mixed Use
South	R-1	Forested undeveloped	Low-Density Neighborhood
East	MU-N	Undeveloped former farmland	Neighborhood Mixed Use
West	R-1	1-family subdivision, vacant	Low-Density Neighborhood/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.
- Sec. 50-15.7.E. Mixed Use-Planned rezoning approval and regulating plan required.

The establishment of an MU-P district requires rezoning the property [by City Council] per Section 50-37.3 from a current zone district to MU-P and the approval of an MU-P plan [by the Land Use Supervisor] per Section 50-37.11, that governs the uses, location, density, dimensional standards and character of the proposed project.

- The purpose of the Mixed Use-Planned (MU-P) district [per Sec. 50-15.7.A] is to provide a flexible development option for mixed use projects that integrate creative site design, provide a variety of building types, provide unique on-site amenities, conserve natural features, increase pedestrian connectivity, or otherwise result in a final product that provides a greater level of public benefit than would be required under the existing zone district.

Each MU-P district requires approval of an MU-P regulating plan that includes the location, type, and intensity of proposed development and a description of public amenities or benefits included. A variety of residential and commercial uses are permitted provided projects are compatible in scale and character with the surrounding neighborhood and are included in the approved MU-P plan.

- 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):

Governing Principle Principal #1 - Reuse previously developed lands,
Principle #2 - Declare the necessity and secure the future of undeveloped places,
Principle #5 - Strengthen neighborhoods,
Principle #7 - Create and maintain connectivity,
Principle #8 - Encourage mix of activities, uses and densities,
Principle #10 - Take sustainable actions,
Principle #12 - Create efficiencies in delivery of public services

Future Land Use – Urban Residential. Greatest variety of 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. 8 units/acre and up, Form standards ensure pedestrian orientation and mix of housing, commercial uses that serve neighborhood market.

History:

1. Duluth Gospel Tabernacle Church purchased the property from ISD 709 in 2011.
2. April 12, 2016: Planning Commission approved the Arrowhead Road Land Use Study that considered higher intensity land uses along Arrowhead Rd. from Arlington Ave. to Swan Lake Rd. (PL16-030).
3. April 25, 2017: City Council approved Comprehensive Plan Future Land Use Map amendments to implement the land use study, which resulted in changing the north half of the subject site to Urban Residential from Low-Density Residential and leaving the south half of the subject site Low-Density Residential (Res. #16-0305, PL16-030). See attached map, subject site is labeled "H."
4. May 16, 2016: City Forester gave approval to preliminary Tree Inventory of the site based on 4 one-acre sample plots (see attached map of sample plots and tree inventory).
5. May 19, 2016: Wetland Delineation approved for the site identifying 8.7 acres of mostly Type 7 Hardwood Swamp scattered throughout the 39.2-acre site (PL15-173). See attached map showing wetlands.
6. December 12, 2016: City Council rezoned the north half of the subject site from RR-1 Rural Residential to R-2 Urban Residential and the south half of the site from RR-1 to R-1 Traditional Residential (Ord. 16-074-O, #10486, PL16-127).
7. November 2, 2016: Wetland Replacement Plan approved to allow 0.9 acres of wetland impact on the site for a new church and commercial use of the property. Wetland credits to be purchased in Cook Co. (PL16-132). See attached map showing in blue where impacted wetlands are.
8. March 13, 2017: Staff reviewed the Concept Plan for the Harbor Light Division plat and provided comments to the applicant (PL17-029). See attached comments from Engineering, Fire, and Planning Staff and concept plat.

9. October 10, 2017: Planning Commission approved PL 17-170, Final Plat, with conditions (Planning Commission vote 5-2).
10. March 13, 2018 Planning Commission approved a Final Replat of Harbor Light, subject to the following conditions:
 1. Developer shall relocate Mission Drive and associated right-of-way to an alignment approved by the City Engineer and Director of Planning and Construction Services; the relocated alignment shall be finalized prior to further development approvals within the platted area;
 2. Developer shall enter into a development agreement with the City of Duluth, which shall be recorded with the property for each lot within the Plat of Harbor Light, prior to issuance of any land development permits to establish parameters related to applicable conditions of this approval, and specifically related to access management to allow for the following:
 - a. Developer and City of Duluth understanding related to installation of access points from each of the lots within the Plat of Harbor Light and adjacent parcels onto West Arrowhead Road;
 - b. Future construction of Stanford Avenue and ownership thereof;
 - c. Developer requirements for internal access between the lots within the Plat of Harbor Light to the future Stanford Avenue;
 - d. Conversion of any access points from lots within the Plat of Harbor Light from full access to right-in, right-out;
 3. That a north-south public pedestrian way be dedicated by easement from the end of Evergreen Circle to Marble Street at the time of application for building permit for the principle structure on Lot 1 and that a trail (with a surface of at least compacted gravel) be constructed from the end of the sidewalk in Evergreen Circle to Marble St. prior to the issuance of the Certificate of Occupancy for this principle structure and that signs be installed at both ends of the trail identifying it as being available for public use, and that the trail be paved before a Certificate of Occupancy is issued for the principle structure on Lot 3;
 4. That an east-west public trail be dedicated by easement from Outlot A in the Crystal Village plat to the end of Evergreen Circle at the time of application for building permit for the principle structure on Lot 3 and that the trail (finished in compacted gravel at a minimum) be constructed the entire length before a certificate of occupancy is granted for the principle structure on Lot 3;
 5. That the City Council resolution and exhibit vacating existing public easements be recorded concurrent with recording of the final plat, if the Examiner of Titles determines this step is necessary;
 6. That a revised wetland replacement plan be approved before roadway impacts to wetlands;
 7. That the tree inventory be finalized and a tree impact/preservation plan completed before grading any lot.

Review and Discussion Items

Staff finds that:

- 1) The applicant is proposing to rezone to property to a Mixed Use-Plan (MU-P) zone district, which allows for more flexibility for development than traditional zone districts. Following the approval of a rezoning ordinance by the City Council, MU-P districts must submit a detailed Regulating Plan for approval by the Land Use Supervisor. A draft of that Regulating Plan has been attached to this report. Requirements of the Regulating Plan are listed in UDC Section 50-15.7.E and 50-15.7.F. The Regulating Plan must be consistent with the Concept Plan and must be approved before any building permits can be issued for the property.
- 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 else be considered arbitrary and capricious. The future land use of the site supports urban residential development, and the current R-2 zoning makes this area eligible for rezoning to MU-P.
- 3) The Concept Plan identifies three parcels that include a mixture of 10 acres to be developed and 7 acres to be preserved (with an additional 1 acre for streets).

4) The Concept Plan identifies 7 acres to be preserved throughout the MU-P zone. This amounts to 39% of the MU-P zoned area, exceeding the 20% required by MU-P zone standards in Sec. 50-15.7.F. However, the plan provides no details for how the land will be permanently preserved and who will maintain it. Staff recommends that a condition of approval be that these details be specified in the regulating plan.

5) The Concept Plan also shows a public pathway leading from/to the residential neighborhoods south of Marble St. through Harbor Light Lot 3 the south and east as well as a branch extending to the west property boundary. The Final Plat approved in March of this year requires this path to ultimately be paved between Marble St. and the end of Evergreen Circle. To provide a greater public benefit as is required by the MU-P purpose statement, the applicant is proposing a paved pathway extend down the east side of Evergreen Circle to Mission Drive and then to Stanford Avenue. The City Engineer has been consulted and is willing to accept the entire length of this paved pathway if it is constructed to City standards (min. 8' wide) and staff recommends that this construction standard be a condition of approval of this plan.

6) The purpose of the Mixed Use-Planned (MU-P) district [per Sec. 50-15.7.A] is to provide a flexible development option for mixed use projects that integrate creative site design, provide a variety of building types, provide unique on-site amenities, conserve natural features, increase pedestrian connectivity, or otherwise result in a final product that provides a greater level of public benefit than would be required under the existing zone district. In evaluating the applicant's plans we find that they have set aside 39% of the MU-P district as undeveloped, which achieves well one of the purposes above ("conserve natural features"). If they include the paved multi-use path from Marble St. to Evergreen Circle and continuing on Mission Dr. to Stanford Ave, this would achieve the purpose of "increasing pedestrian connectivity." However, the applicant's plan is not as strong as we'd like to see on providing a greater level of public benefit than would otherwise be required by the UDC. Staff recommends that it be a condition of approval that the applicant identify additional public benefits to be accomplished with this project.

7) The land uses proposed as part of the Concept Plan are not anticipated to result in material adverse impacts if the following measures are taken:

- a. Prior to vegetation removal and site grading wetland boundaries are marked by a surveyor and barriers installed to prevent impacts
- b. The site developer identify means to prevent impacts to wetlands due to steeply sloping grades adjacent to wetlands (ie. Evergreen Cir.).

Wetland and open space areas on the south and west side of the site will provide buffers to the adjacent residential neighborhoods. Land to the east are zone for mixed use development which will access Arrowhead Rd. at Stanford Avenue, to be shared with the proposed development. No additional roadway access points are intended at this time beyond the platted Evergreen Circle and Stanford Ave. intersections. St. Louis County and the City of Duluth will establish agreements with the site developer concerning access controls onto Arrowhead Rd.

8) A neighborhood meeting was held on May 31, 2018 at 5:00 pm, with approximately 3 people in attendance. Please see attached meeting notes in a June 1, 2018 email from Brad Johnson.

9) No other public, or private, agency/organizations comments have been received at this time.

10) If the zoning change is approved by the City Council, the property owner will need an approved regulating plan with the Land Use Supervisor.

Staff Recommendation

Staff recommend that the proposed concept plan be amended to:

- 1) The regulating plan identify who will maintain the open space area and what mechanisms will be used to permanently preserve these open space areas, and
- 2) The north-south paved pathway be constructed to City standards, and
- 3) Additional public benefits be specified in the regulating plan to be verified by the Land Use Supervisor, and
- 4) Wetland boundaries be marked by a surveyor and barriers installed prior to vegetation removal and site grading, and
- 5) The site developer identify means to prevent impacts to wetlands due to steeply sloping grades adjacent to wetlands (ie. Evergreen Cir. downslope from wetlands to the east).

Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning to Mixed Use-Planned (MU-P) because:

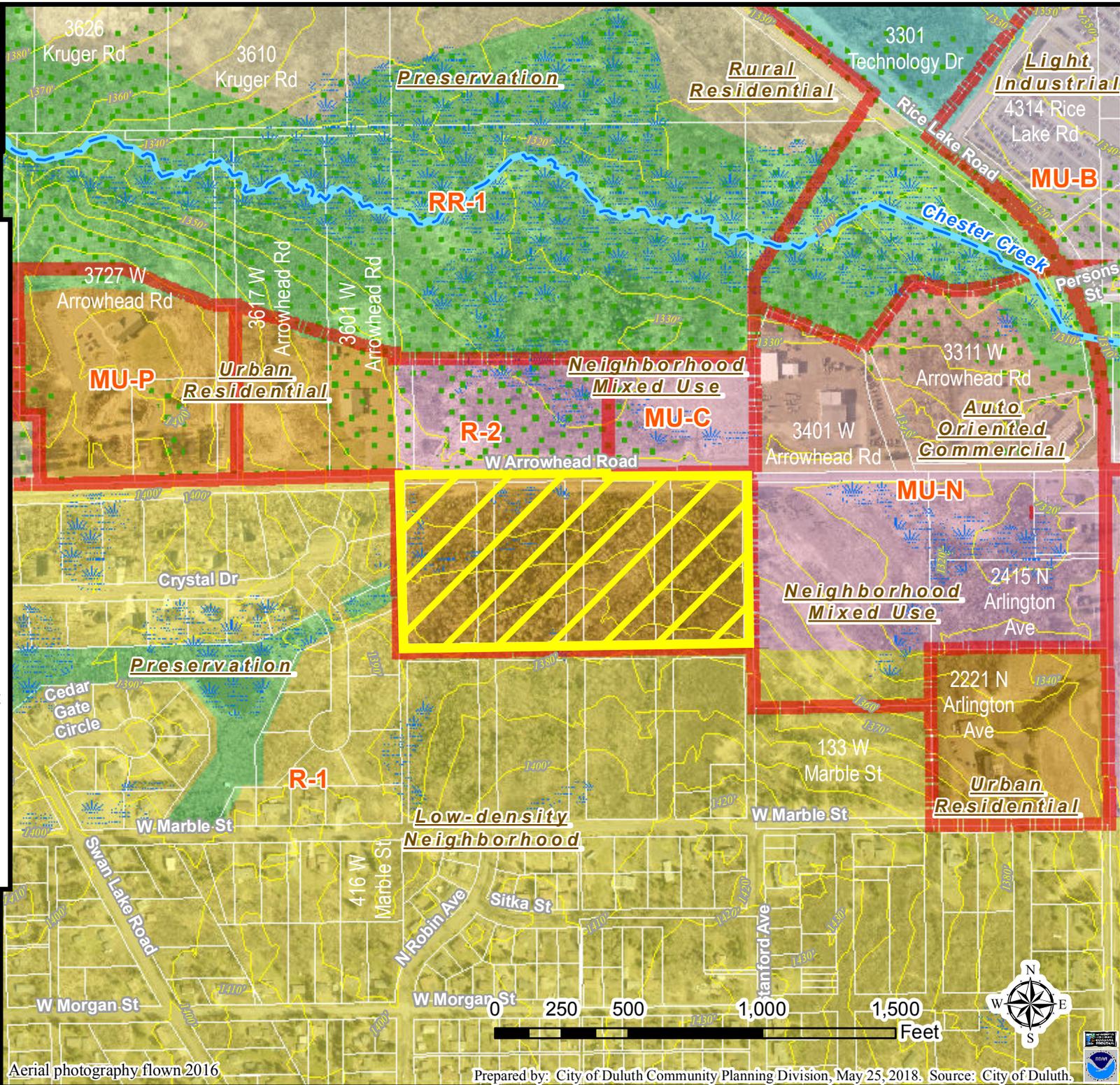
- 1) The proposed rezoning is able to implement the objectives of the Comprehensive Plan related to the proposed land use for this area.
- 2) The rezoning is consistent with the Comprehensive-Plan Future Land Use Map changes as recommended by the 2016 Arrowhead Road Land Use Plan.
- 3) Material adverse impacts on nearby properties are not anticipated if recommendations above are incorporated.



PL 18-069
 Rezoning to Mixed Use-Planned
 Duluth Gospel Tabernacle
 Future Land Use

Legend

- 10' Contour (elev. change)
- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)
- Wetlands (NRR1)
- Future Land Use - Plus**
- 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
- Transportation and Utilities
- Sensitive Lands Overlay



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

Prepared by: City of Duluth Community Planning Division, May 25, 2018. Source: City of Duluth.





Harbor Light Development

Zoning Map Amendment

MU-P District Application

This application is for a Mixed Use-Planned (MU-P) District for the Harbor Light Development, located on Arrowhead Road in Duluth, MN. The attached MU – P Concept Plan is intended to maximize the natural beauty and ecological features of the site while also providing new public amenities to the Duluth Heights and nearby neighborhoods. In particular, the project will provide the following public benefits:

1. Provide an Inclusive Publicly Accessible Mixed-Use Space
2. Celebrate & Maintain the Natural Setting with Sustainable Development
3. Enhance Connectivity with New Public Pathway
4. Increase Public Retail Convenience
5. Use Innovative Stormwater Management Design Principles

1. Provide an Inclusive Publicly Accessible Mixed-Use Space

The Harbor Light Development mission is built around a welcoming community. On Parcel 3 (the largest of the lots), a new church will be constructed and will be an inclusive space, inviting the public to gather, be active, and enjoy association and fellowship with others. The new church building will feature a sanctuary space, but will also include indoor classrooms, and passive outdoor recreational spaces for people of all ages. Retail convenience is planned for the two smaller parcels which will add variety to the mixed-use development and will be interconnected via public road and a new pathway system. The entire MU-P zone will be publicly accessible to visitors as well as residents in adjacent neighborhoods.

2. Celebrate & Maintain the Natural Setting with Sustainable Development

The MU-P proposed zone contains over 20± acres directly adjacent to Arrowhead Road while the remaining south 20 acres of the property which abuts Marble Street, will remain an R1 zone. Approximately 10± acres of the MU-P property are planned for a new public roadway and mixed-use development. The balance of the site (10± acres) will remain in its natural condition, which consists of mature wooded vegetation on varied topography. The majority of the naturally occurring wetlands will also be undisturbed, allowing the diverse landscape to continue to act as a rich ecological feature benefiting local wildlife, and the surrounding environment.

The overall site concept plan has been designed with sustainability in mind; not only have wetlands been avoided to the best extent possible, but preserving mature trees and natural drainage ways have also been taken into consideration. The placement of buildings have been sited to minimize earth-moving activities and take advantage of certain viewsheds, and climatic conditions (like western exposures for daylighting and

heat gain). As each parcel goes through the detailed site plan process, additional sustainable measures will be considered.

3. Enhance Connectivity with a New Public Pathway

The public pathway system currently serving the Duluth Heights neighborhood is poor and not very well connected. The MU-P zone will enhance local connectivity by featuring a new pedestrian pathway system, linking together adjacent neighborhoods while also providing enhanced access to Arrowhead Road and surrounding amenities. The proposed pathway along Evergreen Circle and Mission Drive will consist of a paved surface, while the new pathway connecting to the west will feature a natural surface material. This new network of pedestrian paths will create additional outdoor recreational opportunities, as well as provide alternative transportation throughout the area by encouraging healthy outdoor activities, while increasing public access to nature.

4. Public Retail Convenience

People of all ages enjoy the opportunity to be serviced by a convenience retail provider. The site will provide access to quick conveniences on the commercial parcels that can be employed to serve the community in a variety of ways. A convenience store is planned for Parcel 1, which will sell concessions, light groceries and gas. Additionally, a dental clinic and/or a medical office building may be built on Parcel 2, providing additional health services to the community. These offerings are in short supply in and around this neighborhood.

5. Use Innovative Stormwater Management Design Principles

The Harbor Light Development Concept Plan will meet and endeavor to exceed minimum stormwater requirements on site, through the use of best management practices. Because the project site is in the Chester Creek watershed, (a protected trout stream) the stormwater design will be required to achieve a certain rate, water quality and temperature control. Specifically, storm water will drain to new catch basins and be routed via storm sewer to biofiltration basins located near the low areas of the site. The basins will then treat and cool the storm water by filtering it through a sand and compost filter prior to discharging the storm water to existing culverts underneath Arrowhead Road. The storm controls will provide mitigation of increased developed runoff by providing enhanced water quality, rate and volume control, TSS and TP removal, and thermal reduction to the maximum extent practical. The site is sloped with bedrock near the surface, preventing natural infiltration to occur. This project will use both aboveground storage as well as non-structural controls to treat the runoff as efficiently as possible, as it relates to the site grades and local geology.

In addition, the site has natural occurring wetlands which will be protected and avoided as much possible as well as celebrated for their ecological value. The site will encourage diversity of species and wildlife within the green space, offering not only exclusive habitat, but opportunities for birders and other wildlife watchers.

Mixed-Use Planned (MU-P) Parcel Allocation

Parcel 1	Use: Convenience/Gas	Bldg Height: 1 story	Footprint: ±8,000 sf bldg
Parcel 2	Use: Dental Clinic/Medical Office	Bldg Height: 1-3 story	Footprint: ±12,000 sf bldg
Parcel 3	Use: Church/Office	Bldg Height: 3 story	Footprint: ±35,000 sf bldg

MU-P Concept Plan (Potential Development)

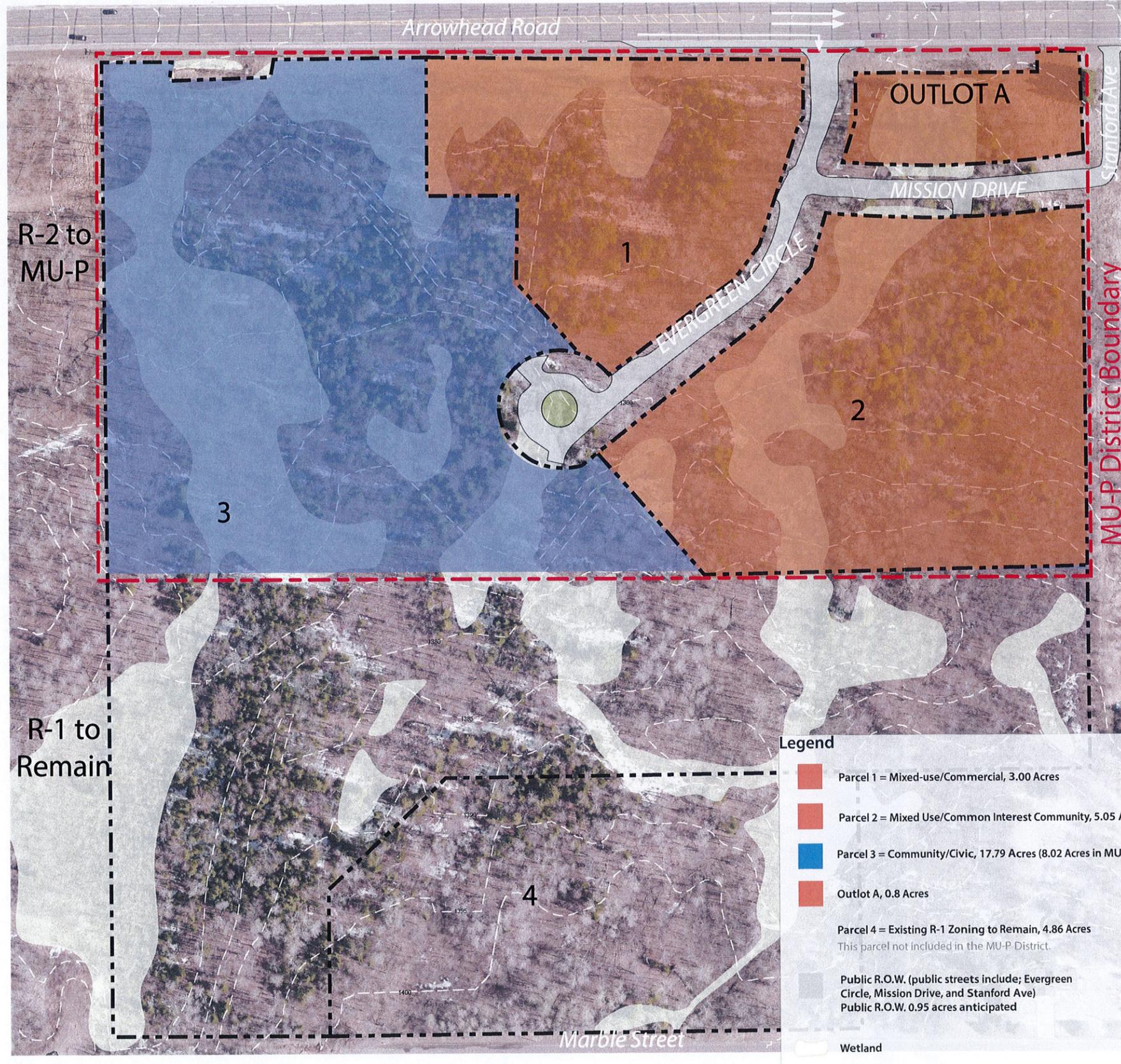


Legend

	Parcel 1 = Mixed-use/Commercial, 3.00 Acres
	Commercial = 2.22 ac Undisturbed Green Space = 0.78 ac
	Parcel 2 = Mixed Use/Commercial, 5.05 Acres
	Mixed Use Development = 1.65 ac Undisturbed Green Space = 3.40 ac
	Parcel 3 = Mixed Use/Commercial, 17.79 Acres (8.02 Acres in MU-P)
	Commercial/Civic = 5.00 ac Undisturbed Green Space = 12.63 ac Trail Easement = 0.16 ac
	Parcel 4 = Existing R-1 Zoning to Remain, 4.86 Acres This parcel not included in the MU-P District.
	Outlot A, 0.8 Acres Common open space, with City maintained storm pond.
	Public R.O.W. (public streets include; Evergreen Circle, Mission Drive, and Stanford Ave) Public R.O.W. 0.95 acres anticipated
	Building Footprint
	Stormwater Pond Location
	New Public Pathway
	Wetland
	Groupings of Large Trees to Remain (approximation)



MU-P Regulating Plan



Parcel Allocation						
Parcel	Gross Acres	Open Space/ Green Space	Net Devel- oped Acres	Permitted Uses	Maximum Density	Max. Height
1	3.00 ac	0.78 ac	2.22 ac	Mixed Use/ Commercial	25,000 sf	45'
2	5.05 ac	3.40 ac	1.65 ac	Mixed Use/ Commercial	25,000 sf	66'
3	17.79 ac	12.43 ac	5.20 ac	Community/ Civic	35,000 sf	45'
Outlot A	0.80 ac	0.80 ac	n/a			
R/W	0.95 ac	n/a	0.95 ac	Public Right- of-Way	n/a	n/a
Total	27.59ac	7.41 ac	10.02 ac	n/a	n/a	n/a

Permitted Uses in Harbor Light MU-P district:

Parcels 1 & 2 (Mixed Use/Commercial)

- Dwelling, townhouse
- Dwelling, multi-family
- Dwelling, live-work
- Bank
- Office
- Medical or Dental Clinic
- Lodging (Hotel or Motel)
- Restaurant (less than 5,000 sf)
- Restaurant (5,000 sf or more)
- Retail store less than 10,000 sf
- Convenience Store
- Filling Station
- Garden Material Sales
- Personal Service or Repair
- Event Center
- Preschool
- Parking Lot (primary use)

Parcel 3 (Community/Civic)

- Club or lodge (private)
- Park, playground or forest reserve
- Religious assembly, small (less than 50,000 sq. ft.)
- Religious assembly, large (50,000 sq. ft. or more)
- Agriculture, community garden
- Agriculture, farmers market
- Agriculture, urban

R-2 to
MU-P

R-1 to
Remain

From: Brad Johnson
To: [Kyle Deming](#); [Steven Robertson](#)
Cc: [Keith Hamre](#); [Adam Fulton](#); [Heidi Bringman](#)
Subject: Harbor neighbor meeting
Date: Friday, June 01, 2018 9:09:49 AM

Kyle and Steve, the meeting went very well. Marble Street representatives, Ischen/Johnston's, Follmer and one other landowner attended.

All really like the modified site plan and the zoning change to encourage adding additional business's in Duluth along Arrowhead.

Heidi will be in contact with you later today.

Brad

Sent from my BlackBerry - the most secure mobile device