



CITY OF DULUTH

Community Planning Division

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File Number	PL 18-121	Contact	Steven Robertson
Type	UDC Map Amendment, Rezone, from R-1 to R-2	Planning Commission Date	September 11, 2018
Deadline for Action	Application Date	August 17, 2018	60 Days
	Date Extension Letter Mailed	August 28, 2018	120 Days
Location of Subject	515 North Lake Avenue		
Applicant	Sven and Kelsey Berg	Contact	
Agent		Contact	
Legal Description	010-3452-00420, 010-2680-00450		
Site Visit Date	August 29, 2017	Sign Notice Date	August 24, 2018
Neighbor Letter Date	August 29, 2017	Number of Letters Sent	56

Proposal: The applicant is proposing to properties from Residential Traditional (R-1) to Urban-Residential (R-2)

Recommended Action: Recommend to the City Council to Approve.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood/Urban Res.
North	R-1	Residential	Traditional Neighborhood
South	R-2	Residential	Urban Residential
East	R-1/R-2	Residential	Traditional Neighborhood/Urban Res.
West	P-1	Park	Recreation

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):

Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home-businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects and neighborhood extensions, and new traditional neighborhood areas.

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.

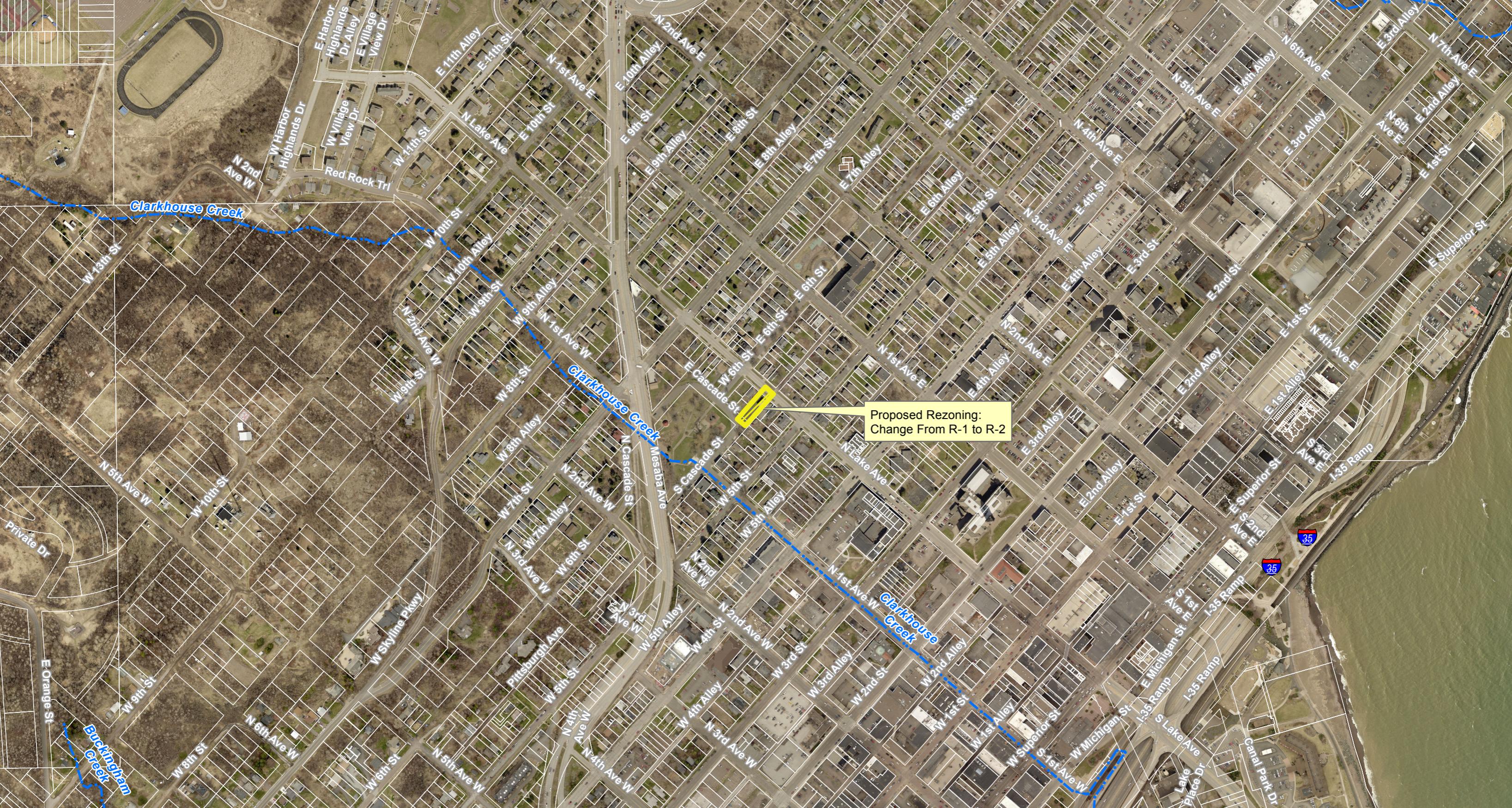
Review and Discussion Items

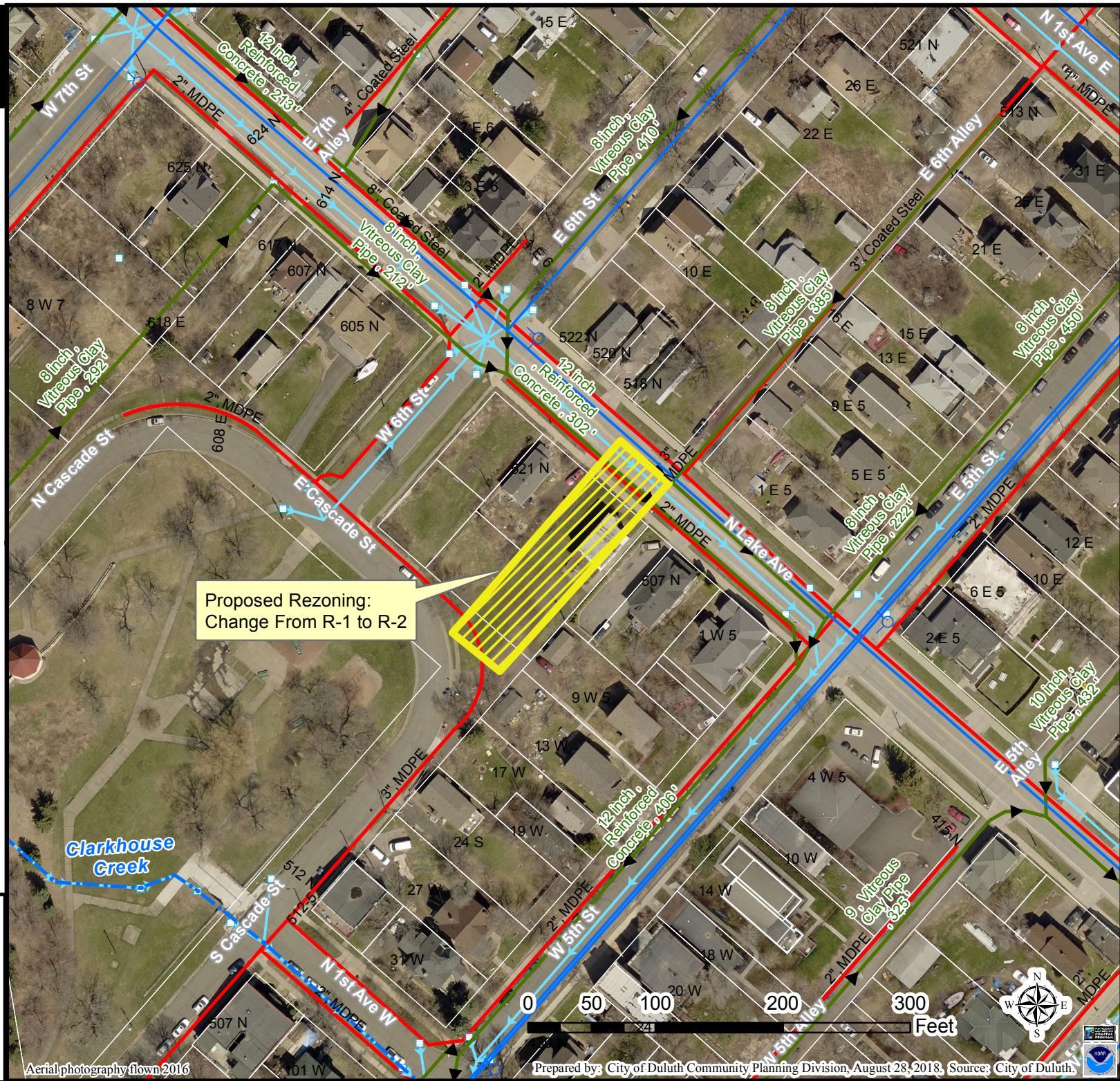
- 1) The applicant is proposing to properties from Residential Traditional (R-1) to Urban-Residential (R-2). The applicant's property is a split zoning of approximately 90% R-1 and 10% R-2. By rezoning it to R-2, the property owner can reuse the existing structure as a triplex apartment, which are allowed in the R-2 zone district.
- 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) The future land use designation of this property is Traditional Neighborhood. It is described as being characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys; property with this designation is typically zoned R-1.
- 3) The purpose statement of the R-1 district is that it is established 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.
- 4) The purpose statement of the R-2 district is that it is established 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
- 5) Based on the character and development history of this area, and the purpose statements of the R-1 and R-2 zone districts, future land use designation of the general area, rezoning to R-2 is appropriate for this subject area.
- 6) The city, as of the date this was written, has received no formal written comments in regard to this proposal. The city has received one phone call asking for more information about the proposed rezoning.

Staff Recommendation

Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning from Residential-Traditional (R-1) to Urban-Residential (R-2):

- 1) R-2 is the zone most reasonably able to implement the objectives of the Comprehensive Plan related to the proposed land use for this general area.
- 2) Material adverse impacts on nearby properties are not anticipated.







PL 18-121
Rezone from R-1 to R-2

