



# CITY OF DULUTH

Community Planning Division

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<b>File Number</b>	PL 19-023	<b>Contact</b>	Steven Robertson	
<b>Type</b>	Rezone from MU-N, MU-C, F-8, to MU-I and MU-N	<b>Planning Commission Date</b>	May 29, 2019	
<b>Deadline for Action</b>	<b>Application Date</b>		<b>60 Days</b>	N/A City Application
	<b>Date Extension Letter Mailed</b>	N/A	<b>120 Days</b>	N/A
<b>Location of Subject</b>				
<b>Applicant</b>	City of Duluth	<b>Contact</b>	Planning and Development	
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	See Attached Map			
<b>Site Visit Date</b>	May 11, 2019	<b>Sign Notice Date</b>	May 15, 2019	
<b>Neighbor Letter Date</b>	May 14, 2019	<b>Number of Letters Sent</b>	243	

### Proposal

The City is proposing to rezone property from the current zoning of Mixed Use Neighborhood (MU-N), Mixed Use Commercial (MU-C) and Form District Downtown Mix (F-8), to Mixed Use Institutional (MU-I). The city is also proposing to rezone property from the current zoning of R-2 (Residential-Urban), to Mixed Use Neighborhood (MU-N).

### Staff Recommendation

Staff is recommending approval of the proposed rezoning to MU-I and MU-N.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-N/MU-C/F-8	Medical	Medical District
<b>North</b>	MU-I	Medical	Neighborhood Mixed Use/Urban Res.
<b>South</b>	F-8/I-G	Highway/Commercial	Tourism/Open Space
<b>East</b>	MU-N/MU-I	Residential	Urban Residential
<b>West</b>	MU-N/F-5/F-8	Commercial	Central Business Primary/Secondary

### 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):**

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.

Governing Principle 10 - Take actions that enhance the environment, economic, and social well-being of the community.

Initiate land use, site design, transportation, building design, and materials policies which reduce consumption of finite resources, generation of solid waste, and introduction of toxic materials to land, air, or waters. Also implement resiliency in design and operation with City systems and infrastructure that serve both public and private land uses.

### 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 Institutional. Applicable to medical, university/college, public school, religious, or governmental campuses. Can include adjacent areas that support them, with related commercial and/or office uses, and residential uses in the fringe areas of the district.

## Review and Discussion Items

Staff finds that:

- 1) The City is proposing to rezone property from the current zoning of Mixed Use Neighborhood (MU-N), Mixed Use Commercial (MU-C) and Form District Downtown Mix (F-8), to Mixed Use Institutional (MU-I). The city is also proposing to rezone property from the current zoning of R-2 (Residential-Urban), to Mixed Use Neighborhood (MU-N).
- 2) State Statute requires that a community's zoning map implement the general objectives of the Comprehensive Plan.
- 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) Area B has a future land use designation of Urban-Residential, which translates most often into the R-2 zone district. The current land use is generally single-family homes and surface parking lots. Area B is bracketed by two areas of higher intensity land uses general to the east and west (St. Lukes and Essentia), and the interstate highway to the south. Existing land use patterns of this, and the surrounding areas, are more similar to the MU-N zone district than the R-2.
- 5) The purpose of the MU-N 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 district accommodates both horizontal (uses located in separate structures) and vertical (uses located in the same building) types of mixed use. Non-residential uses may include small-scale retail, service and professional offices that provide goods and services to the residents of the surrounding neighborhood. The R-2 and MU-N zone districts share many of the same permitted and special uses, especially related to residential land uses, but the MU-N district allows some additional commercial land uses that would not normally be allowed in R-2.
- 6) Area C has a future land use designation of Institutional, which translates most often into the MU-I zone district. The current land use is a mix of single-family homes, multi-family structures, parking lots, and several commercial/medical uses. In the 2006 Comprehensive Land Use Plan, much of this area was assigned the future land use designation of "medical facility". The Imagine Duluth 2035 Comprehensive Plan affirmed this future land use designation, but with the new term of "institutional".
- 7) The purpose of the MU-I district is established to provide for the unique development needs and impacts of major medical, educational and research institutional development. The intent is to give institutional landowners the flexibility to plan and develop their facilities while ensuring that surrounding neighborhoods are protected from adverse impacts, such as traffic, overshadowing buildings, noise and unexpected expansion of institutional uses into residential areas. The MU-I district allows more land uses than the MU-N zone district, but it should be noted that single family homes are considered non-conforming uses in the MU-I zone. Existing legal non-conforming uses and structures may continue to be used, enjoyed, and maintained, but cannot be physically expanded.
- 8) Based on the future land use designation (as recently amended by the small area plan), character and development history of this neighborhood and the purpose statements of the MU-I and MU-N zone districts, rezoning as proposed in the attached map is appropriate for this area.
- 9) No written correspondence has been received as of the date that this memo was printed (May 22, 2019), but several phone calls have been received, asking for more information as to the purpose of the rezoning, the impact of the rezoning if approved, and general questions related to the MU-I Planning Review for the new proposed medical facility (PL 19-018).

**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.



Rezoning PL 19-061

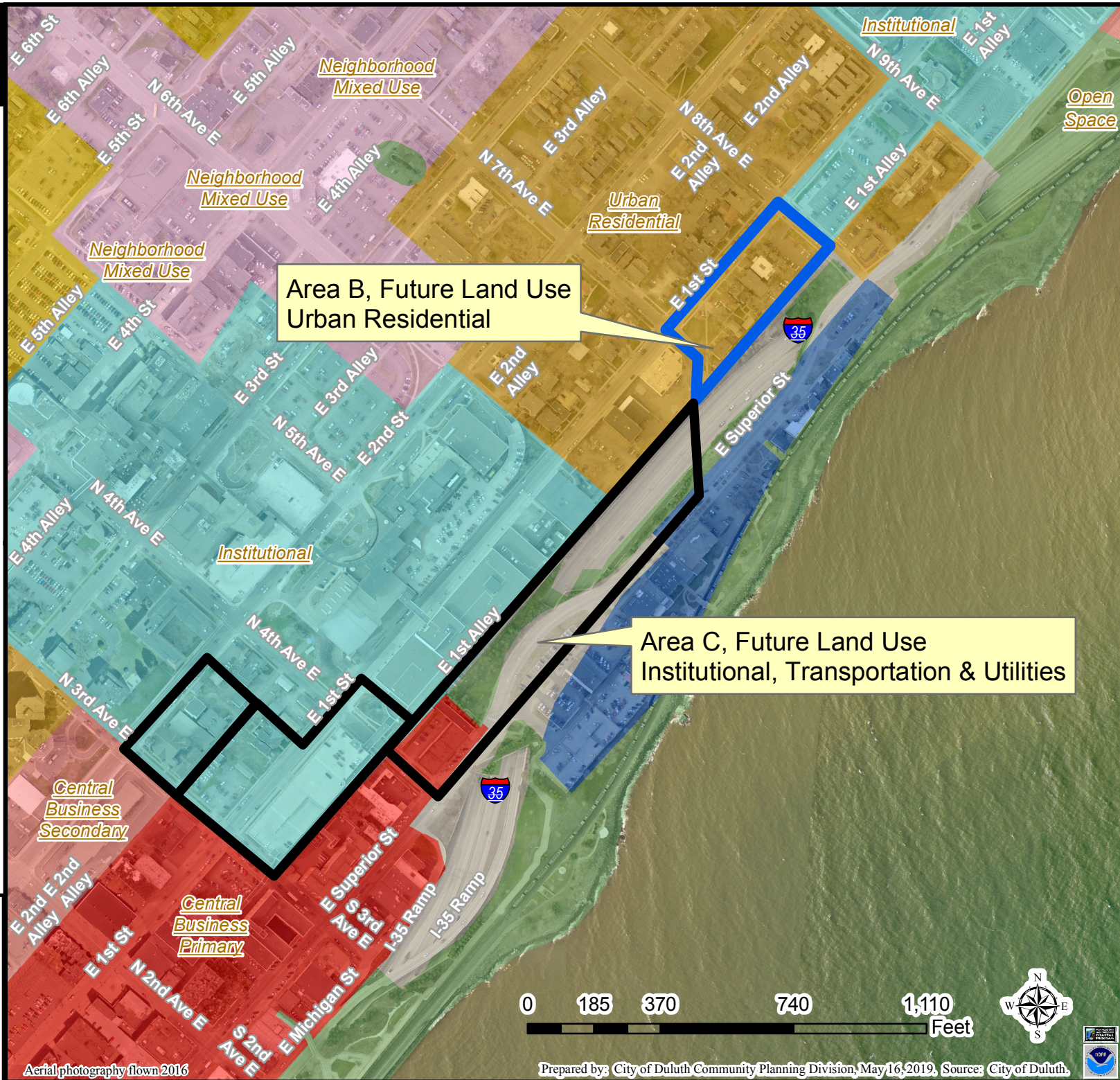
Rezoning PL 19-060

Rezoning PL 19-023



### 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



Area B, Future Land Use  
Urban Residential

Area C, Future Land Use  
Institutional, Transportation & Utilities

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)

F-6 (Mid-Rise Neighborhood Shopping)

MU-N (Mixed Use Neighborhood)

MU-I (Mixed Use Institutional)

MU-N (Mixed Use Neighborhood)

R-2 (Residential Urban)

MU-N (Mixed Use Neighborhood)

R-2 (Residential Urban)

MU-N (Mixed Use Neighborhood)

Area B, City Proposal to Rezone  
From: MU-C (Mixed Use-Commercial)  
To: MU-N (Mixed Use-Neighborhood)

F-8 (Downtown Mix)

F-6 (Mid-Rise Neighborhood Shopping)

MU-I (Mixed Use Institutional)

Area C, City Proposal to Rezone  
From: MU-N, MU-C, and F-8  
To: MU-I (Mixed Use-Institutional)

MU-N (Mixed Use Neighborhood)

F-5 (Mid-Rise Community Shopping and Office)

F-8 (Downtown Mix)

I-G (Industrial General)

F-7 (Downtown Shopping)



## **Uses Allowed in Mixed Use-Institutional (MU-I) Zone District Revised January 2019**

### Permitted Uses

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>- Dwelling, multi-family</li> <li>- Dwelling, live-work</li> <li>- Residential care facility/assisted living (7 or more)</li> <li>- Rooming house</li> <li>- Bus or rail transit station</li> <li>- Club or lodge (private)</li> <li>- Government building or public safety facility</li> <li>- Park, playground, or forest reserve</li> <li>- Religious assembly, small (less than 50,000 sq. ft.)</li> <li>- Religious assembly, large (50,000 sq. ft. or more)</li> <li>- Business, art, or vocational school</li> <li>- School, elementary</li> <li>- University or college</li> <li>- Hospital</li> <li>- Medical or dental clinic</li> <li>- Nursing home</li> <li>- Other institutional support uses not listed in this table</li> <li>- Agricultural, community garden</li> <li>- Veterinarian or animal hospital</li> </ul> | <ul style="list-style-type: none"> <li>- Restaurant (less than 5,000 sq. ft.)</li> <li>- Restaurant (5,000 sq. ft. or more)</li> <li>- Hotel or motel</li> <li>- Bed and breakfast</li> <li>- Bank</li> <li>- Office</li> <li>- Data center</li> <li>- Preschool</li> <li>- Day care facility, small (14 or fewer)</li> <li>- Day care facility, large (15 or more)</li> <li>- Funeral home or crematorium</li> <li>- Personal service and repair, small (less than 10,000 sq. ft.)</li> <li>- Personal service and repair, large (10,000 sq. ft. or more)</li> <li>- Retail store not listed, small (less than 15,000 sq. ft.)</li> <li>- Parking lot (primary use)</li> <li>- Parking structure</li> <li>- Retail store not listed, small (less than 15,000 sq ft)</li> <li>- Research laboratories</li> <li>- Manufacturing, light</li> </ul> |
|---|--|

### Special Uses

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>- Cemetery or mausoleum</li> <li>- School, middle or high</li> <li>- Agricultural, farmers' market</li> <li>- Agricultural, urban</li> <li>- Kennel</li> <li>- Electric power transmission line or substation</li> </ul> | <ul style="list-style-type: none"> <li>- Major utility or wireless telecommunication facility</li> <li>- Solar, geothermal, or biomass power facility (primary use)</li> <li>- Water or sewer treatment facilities</li> <li>- Wind power facility (primary use)</li> <li>- Recycling collection point (primary use)</li> </ul> |
|---|--|



## Uses Allowed in Mixed Use-Neighborhood (MU-N) Zone District Revised January 2019

### Permitted Uses

- Dwelling, one family
- Dwelling, two-family
- Dwelling, townhouse
- Dwelling, multi-family
- Dwelling, live-work
- Co-housing facility
- Residential care facility/assisted living (6 or fewer)
- Residential care facility/assisted living (7 or more)
- Rooming house
- Bus or rail transit station
- Club or lodge (private)
- Government building or public safety facility
- Museum, library, or art gallery
- Park, playground, or forest reserve
- Religious assembly, small (less than 50,000 sq. ft. or more)
- Religious assembly, large (50,000 sq. ft. or more)
- Business, art, or vocational school
- School, elementary
- Medical or dental clinic
- Nursing home
- Agricultural, community garden
- Veterinary or animal hospital
- Bed and breakfast
- Office
- Preschool
- Day care facility, small (14 or fewer)
- Day care facility, large (15 or more)
- Personal service and repair, small (less than 10,000 sq ft)
- Grocery store, small (less than 15,000 sq ft)
- Retail store not listed, small (less than 15,000 sq ft)

### Special Uses

- Manufactured Home Park
- Cemetery or mausoleum
- School, middle or high
- Bank
- Data Center
- Agricultural, farmers' market
- Agricultural, urban
- Restaurant (less than 5,000 sq ft)
- Theater
- Hotel or motel
- Funeral Home or Crematorium
- Personal service and repair, large (10,000 sq ft or more)
- Automobile and light vehicle repair and service
- Filling Station
- Parking Lot (primary use)
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Water or sewer pumping stations/reservoirs

### Interim Uses

- Vacation dwelling unit

## Uses Allowed in Mixed Use-Commercial (MU-C) Zone District Revised January 2019

### Permitted Uses

- Dwelling, multi family
- Dwelling, live-work
- Residential care facility/assisted living (7 or more)
- Rooming house
- Bus or rail transit station
- Club or lodge (private)
- Government building or public safety facility
- Museum, library or art gallery
- Park, playground or forest reserve
- Religious assembly, small (less than 50,000 sq ft)
- Religious assembly, large (50,000 sq ft or more)
- Business, art or vocational school
- School, elementary
- Medical or dental clinic
- Nursing home
- Agricultural, community garden
- Veterinary or animal hospital
- Convention or event center
- Indoor entertainment facility
- Restaurant, small (less than 5,000 sq. ft.)
- Restaurant (5,000 sq. ft. or more)
- Theater
- Hotel or motel
- Bed and breakfast
- Bank
- Office
- Data center
- Preschool
- Day care facility, small (14 or fewer)
- Day care facility, large (15 or more)
- Funeral home or crematorium
- Personal service and repair, small (less than 10,000 sq. ft.)
- Personal service and repair, large (10,000 sq. ft. or more)
- Garden material sales
- Grocery store, small (less than 15,000 sq. ft.)
- Grocery store, large (15,000 sq. ft. or more)
- Retail store not listed, small (less than 15,000 sq. ft.)
- Retail store not listed, large (15,000 sq. ft. or more)
- Automobile and light vehicle repair and service
- Automobile and light vehicle sales, rental, or storage
- Filing station
- Parking lot (primary use)
- Parking structure

### Special Uses

- Cemetery or mausoleum
- School, middle or high
- Agricultural, farmers' market
- Agricultural, urban
- Kennel
- Other outdoor entertainment or recreation use not listed
- Building materials sales
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Solar, geothermal, or biomass power facility (primary use)
- Water or sewer pumping stations/reservoirs
- Recycling collection point (primary use)