



CITY OF DULUTH

Community Planning Division

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File Number	PL 18-048	Contact	Steven Robertson	
Type	UDC Map Amendment, Rezone from MU-B to R-2	Planning Commission Date	May 8, 2018	
Deadline for Action	Application Date	N/A, City Action	60 Days	N/A, City Action
	Date Extension Letter Mailed	N/A, City Action	120 Days	N/A, City Action
Location of Subject				
Applicant	City of Duluth, Community Planning	Contact		
Agent	N/A	Contact		
Legal Description				
Site Visit Date	April 21, 2018	Sign Notice Date	April 21, 2018	
Neighbor Letter Date	April 20, 2018	Number of Letters Sent	62	

Proposal

The City is proposing to rezone properties west of the Intersection of 93rd Avenue West and Falcon Street and Hilton Streets to Commonwealth Avenue, from Mixed Use Business (MU-B) to Urban-Residential (R-2), in conformance with the Comprehensive Plan's Future Land Use Map.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-B	Mostly Undeveloped/Other	Traditional Neighborhood/Gen. Mixed Use
North	R-1	Undeveloped/Home Park	Traditional Neighborhood
South	MU-B	Undeveloped	General Industrial
East	R-1	Single Family Residential	Traditional Neighborhood
West	R-1, RR-1	Undeveloped/Manufacturing	Urban Residential

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):

Principle #8, Encourage mix of activities, uses, and densities.

Future Land Use: 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.

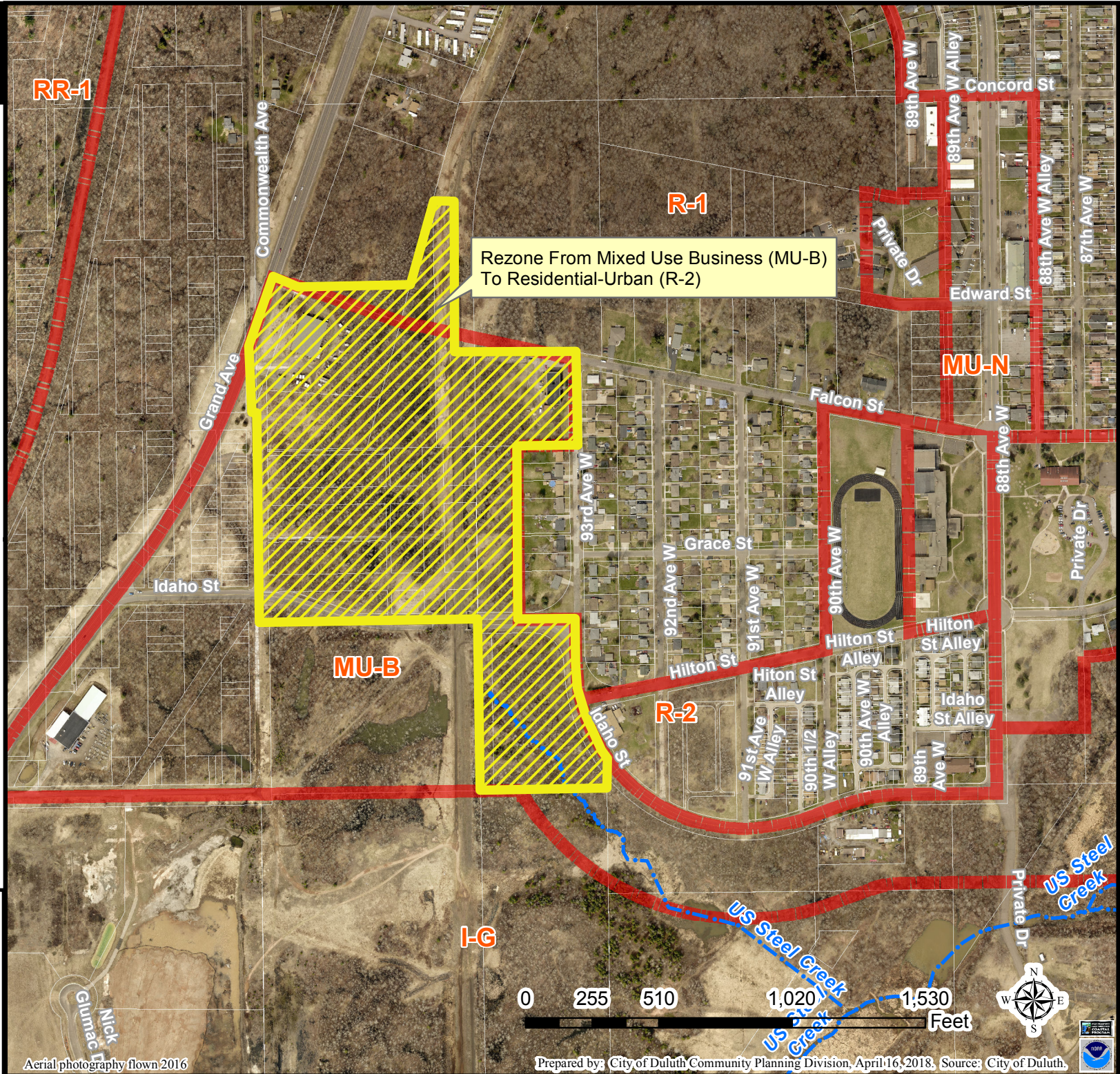
Review and Discussion Items

1. State Statute requires that a community's zoning map implement the general objectives of the Comprehensive Plan. This proposed rezoning is to update the city's zoning map so that it matches the community's vision from the 2006 Comprehensive Land Use Plan. The City is amending the zoning map throughout the city, and this is one of the many rezoning actions implementing the comprehensive plan, both large and small, being proposed to the Planning Commission over the next several months.
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. Most of the land use of this area is undeveloped, with some manufacturing (vacant) along Commonwealth Avenue. The surrounding land uses are residential to the east and north. The Morgan Park neighborhood has experienced a demand for new housing, with a housing development (Grand Avenue Estates) recently completed, another housing development beginning the construction process (Morgan Park Estates), and a third housing project in the preliminary stages (Duluth Housing and Redevelopment Authority).
4. The purpose of the MU-B district is intended to accommodate modern light industrial and technology-based developments of attractive integrated design and function. The development standards for this district are intended to ensure that projects minimize adverse impacts on surrounding uses and neighborhoods, reduce impacts on the natural environment, enhance the visual quality of development and ensure the provision of adequate and cost-efficient public facilities. Intended uses include wholesaling, industrial services, research laboratories, and light manufacturing needed to support the community and region at large.
5. The purpose of the R-2 district 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. Based on the future land use designation, character and development history of this neighborhood, and the purpose statements of the MU-B and R-2 zone districts, rezoning as proposed is appropriate for this neighborhood.
7. The city, as of the date this was written, has received no formal written comments in regard to this proposal. One citizen called the city expressing concern and opposition to the rezoning. Engineering staff have noted that most of this area is not served by utilities now and will require coordination with engineering if and when development moves forward.

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.

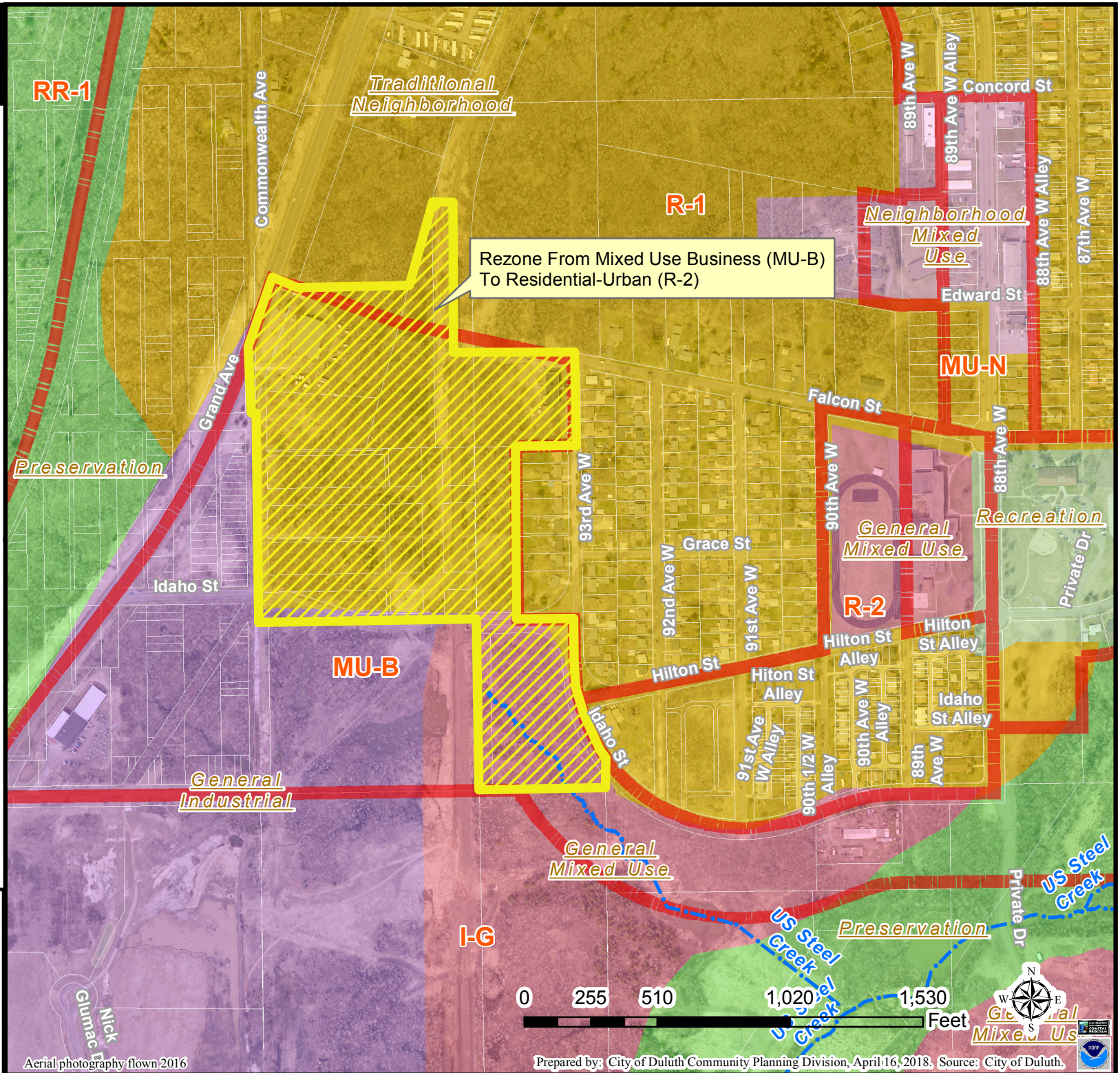


Legend

- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)

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map: Auto (Oblique) | Apr 2016 - Jun 2016 | < image 1 of 5 > | 05/04/2016

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