



## CITY OF DULUTH

Community Planning Division

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File Number	PL 18-047	Contact	Steven Robertson	
Type	UDC Map Amendment, Rezone from I-G, R-P, and R-1, to MU-B and P-1	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	54

### Proposal

The City is proposing to rezone properties in the general area of Menards and Mike Colalillo Medal of Honor Park, from Industrial-General (I-G), Residential Planned (R-P), and Residential-Traditional (R-1) to Mixed Use-Business (MU-B) and Park and Open Space (P-1) in conformance with the Comprehensive Plan's Future Land Use Map.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	I-G, R-1	Commercial	General Mixed Use
<b>North</b>	MU-B	Business Park	General Mixed Use
<b>South</b>	R-P	Residential/Hwy35	Urban Residential/Transportation
<b>East</b>	MU-B	Business Park	General Mixed Use/Light Industrial
<b>West</b>	R-P, MU-N	Residential	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 #1 - Reuse previously developed lands. Reuse of previously developed lands, including adaptive reuse of existing building stock and historic resources, directs new investment to sites which have the potential to perform at a higher level than their current state. This strengthens neighborhoods and is preferred to a dispersed development pattern with attendant alteration of natural landscapes and extensions of public services. Site preparation or building modification costs are offset by savings in existing public infrastructure such as streets, utilities, and transit, fire and police services.

General Mixed Use- The broadest mix of uses, including light industrial, office, commercial, and residential use, with performance standards to ensure compatibility. Includes areas that are in transition from industrial uses and large redevelopments that require master plans and phased development. General or heavy industrial can be included when a large site is master planned to allow appropriate separation of uses.

General Industrial-Areas for manufacturing, processing and other activities that may have offsite impacts and are generally isolated from other uses or buffered from them. Sites should have direct access to major regional transportation facilities and other infrastructure.

## **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 proposed rezoning area has a future land use designation of General Mixed Use, which does not have any one specific zoning district associated with it. It is currently zoned I-G, and the current land use is commercial (Menards) and recreation (city park). The surrounding properties are zoned MU-B to the east and R-P to the west. Rezoning most of this area to MU-B will not only be in conformance with the future land use map but also match the surrounding zoning and uses of adjacent properties along Mike Colalillo Drive. Under the current zoning of I-G, Menards can continue to exist as a legal non-conforming use, but cannot expand.
4. The purpose of the I-G district is intended to provide for general- to heavy- impact industrial, processing, assembly, fabrication and manufacturing uses. Office uses are allowed provided they are clearly incidental to and supportive of on-site industrial uses. The district is intended primarily for locations close to major transportation corridors and active commercial centers. This district should be located
5. 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.
6. The P-1 district is intended to protect and reserve lands for recreational, scenic and natural resource uses. It is intended to be applied to publicly owned land but may be applied to private property with the landowner's written consent. Both passive recreational (e.g., walking paths, picnic tables) and active recreational (e.g., playgrounds, ball fields, tennis courts) uses may be permitted. Small-scale buildings, structures and development (e.g., parking) that are incidental to and supportive of an approved use may also be permitted.

7. Based on the future land use designation, character and development history of this neighborhood, and the purpose statements of the I-G, MU-B, and P-1 zone districts, rezoning as proposed in the attached map is appropriate for this neighborhood.

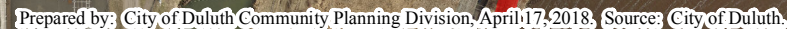
8. The city, as of the date this was written, has received no formal written comments nor phone calls in regard to this proposal.

### **Staff Recommendation**

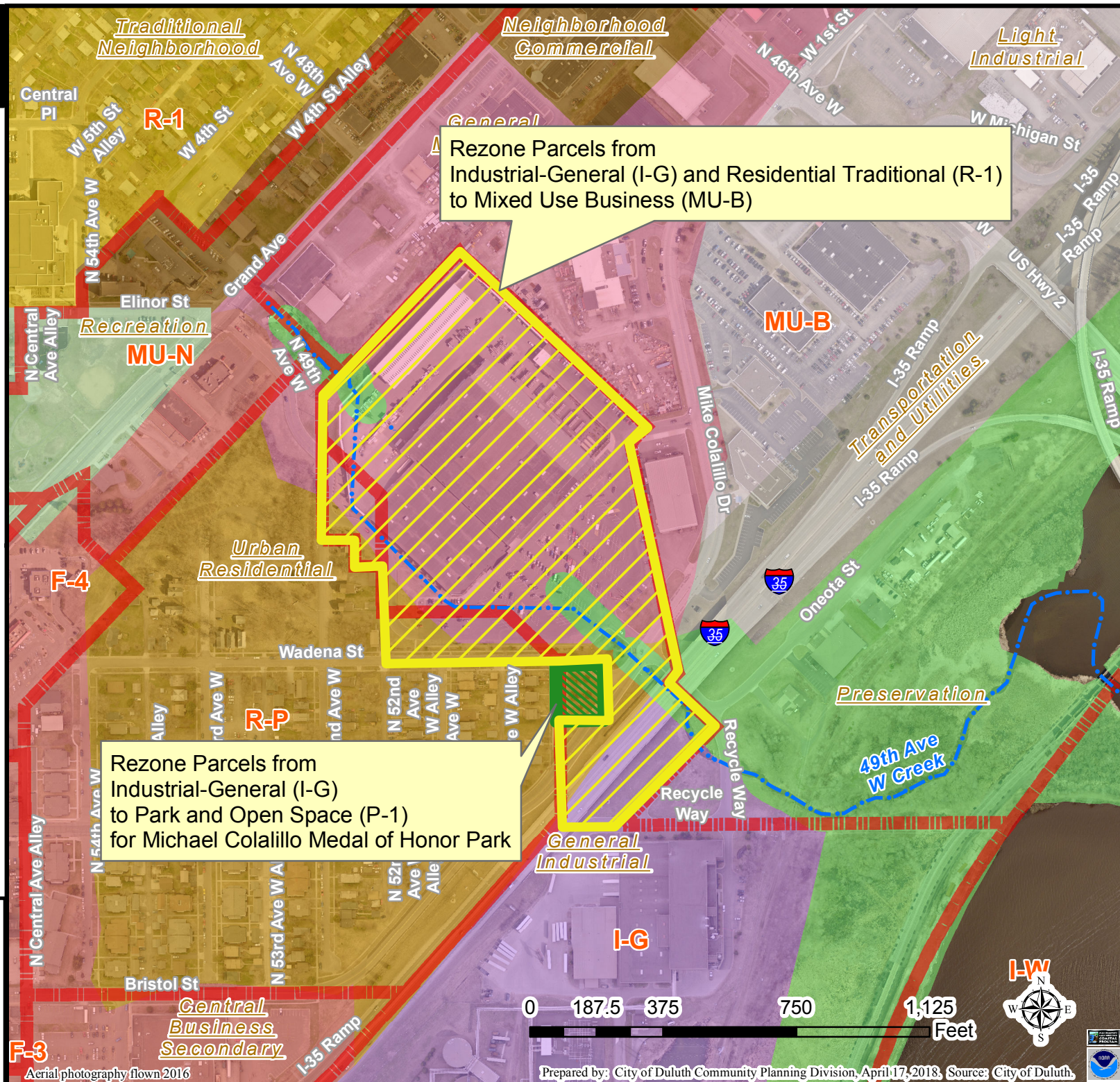
Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning as shown on the map titled Proposed Rezoning Area Map.

- 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.









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.



