



# CITY OF DULUTH

Planning and Development Division

411 W 1<sup>st</sup> St, Rm 110 \* Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

<b>File Number</b>	PL 19-068	<b>Contact</b>	Steven Robertson	
<b>Type</b>	Rezone from RR-1/R-1, to MU-N & P-1	<b>Planning Commission Date</b>	June 11, 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>	Lester Park Golf Course, See Attached Map			
<b>Site Visit Date</b>	May 28, 2019	<b>Sign Notice Date</b>	May 29, 2019	
<b>Neighbor Letter Date</b>	May 30, 2019	<b>Number of Letters Sent</b>	41	

### Proposal

The City is proposing to rezone property from the current zoning of RR-1 (Rural Residential-1) and R-1 (Residential-Urban), to MU-N (Mixed Use-Neighborhood) and P-1 (Parks and Open Space).

### Staff Recommendation

Staff is recommending approval of the proposed rezoning at Lester Park Golf Course to MU-N and P-1.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1/RR-1	Golf Course	Neighborhood Mixed Use
<b>North</b>	RR-1	Golf Course	Open Space
<b>South</b>	R-1	Residential, Undeveloped	Low Density Neighborhood
<b>East</b>	RR-2/P-1	Golf Course, Undeveloped	Rural Residential
<b>West</b>	R-1/P-1/RR-1	Golf Course, Undeveloped	Open Space

### 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.B.3 Where a proposed amendment to the zoning map would change any property from a residential district to a mixed use, form or special purpose district, a planning commission hearing and a notice of three weeks shall be required. In addition, the affirmative vote of 2/3 of the council shall be required. The city has not received the written consent of the owners of 2/3 of those properties located wholly or partially within 100 feet of the property proposed to be rezoned;

- 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):**

### Governing Principles

Governing Principle 2, Declare the necessity and secure the future of undeveloped places.

Undeveloped areas are an essential part of Duluth's municipal fabric— urban plazas, neighborhood parks, large tracts of public ownership, and private lands zoned for minimal development. These minimally developed or undeveloped areas collectively create an open space system. These areas contribute to Duluth's cultural, health, recreational, and economic value and community identity. This open space system provides vistas, encourages active recreation, supplies natural infrastructure such as storm water retention, plant and animal habitat, and water quality, and is the strongest visual element defining Duluth's sense of place.

Governing 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

### Future Land Use

Future Land Use Neighborhood Mixed Use. A transitional use between more intensive commercial uses and purely residential neighborhoods. Includes conversions of houses to office or live-work spaces. May include limited commercial-only space oriented to neighborhood or specialty retail markets.

Future Land Use Open Space. High natural resource or scenic value, with substantial restrictions and development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls. Examples include: city parks and recreation areas, primary viewsheds, shorelands of the lake and streams, wetlands and floodplains, and high-value habitat.

### Recent History

The future land use designation of a portion of Lester Park Golf Course was amended by the City Council on May 13, 2019 (19-0305R). This change to the future land use was initially proposed as part of the broader adoption of the Imagine Duluth 2035 Comprehensive Plan proposed late winter 2017, but the item removed from the list of 21 proposed future land use changes when the plan was adopted to allow more time for discussion and review.

## Review and Discussion Items

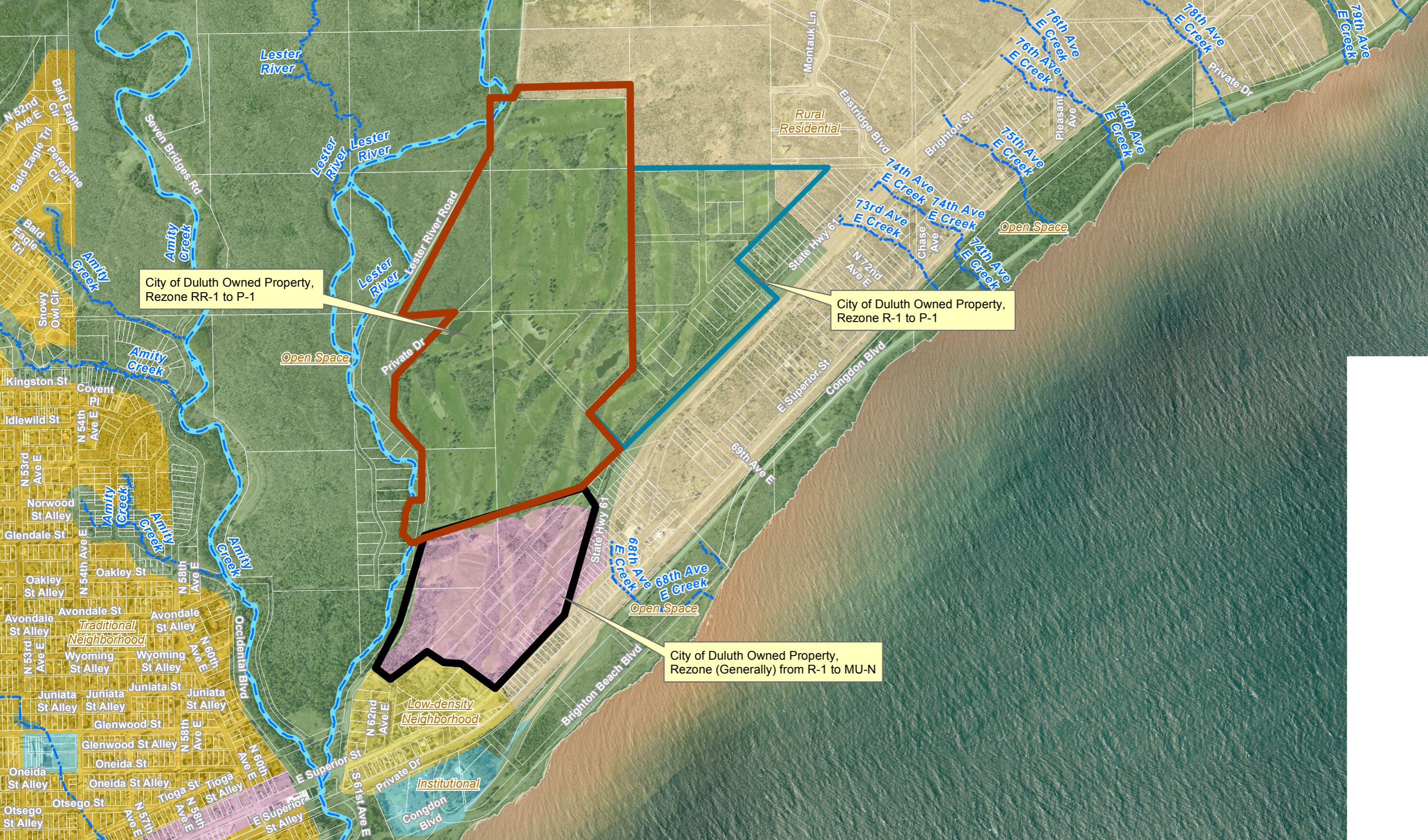
Staff finds that:

- 1) The City is proposing to rezone property from the current zoning of RR-1 (Rural Residential-1) and R-1 (Residential-Urban), to MU-N (Mixed Use-Neighborhood) and P-1 (Park and Open Space).
- 2) State Statute requires that a community's zoning map implement the general objectives of the Comprehensive Plan. The future land use category of Neighborhood Mixed Use is most commonly reflected in the City's zoning map as MU-N. This proposed rezoning action is to update the city's zoning map so that it matches the resolution approved by the City Council on May 13, 2019 (19-0305R).
- 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) The majority of the subject area has a future land use designation of open space, but a significant portion has a future land use designation of Mixed Use Neighborhood, which translates most often into the MU-N zone district. The current land use is related to public recreation, a golf course and its attendant parking lot.
- 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.
- 6) The purpose the P-1 district is intended to protect and reserve lands for recreational, scenic and natural resource uses. It is 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. All uses and structures shall be compatible in scale, design and impact with the natural features and character of the land.
- 7) This specific rezoning action is not in anticipation of any specific development proposal; it is instead intended to update the zoning map to reflect the recent change to the future land use designation. Any proposed new land use at this subject area would follow zoning standards for reducing land use conflicts, such as mandatory buffering and landscaping, reasonable limits on light and noise, as well as storm water treatment and detention. In addition, access management controls (reducing conflict points on roads) would be considered to reduce impacts for future vehicle traffic into the existing street network. If this site was rezoned in the future as a planned development (similar to Bluestone Commons or Ramsey Village) there would be comparable land use controls.
- 8) Based on the future land use designation (as recently amended by the City Council) and the purpose statement of the MU-N zone district, rezoning as proposed in the attached map is appropriate for this neighborhood.
- 9) One piece of written correspondence has been received as of the date that this memo was printed (June 5, 2019).

**Staff Recommendation**

Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning as shown.

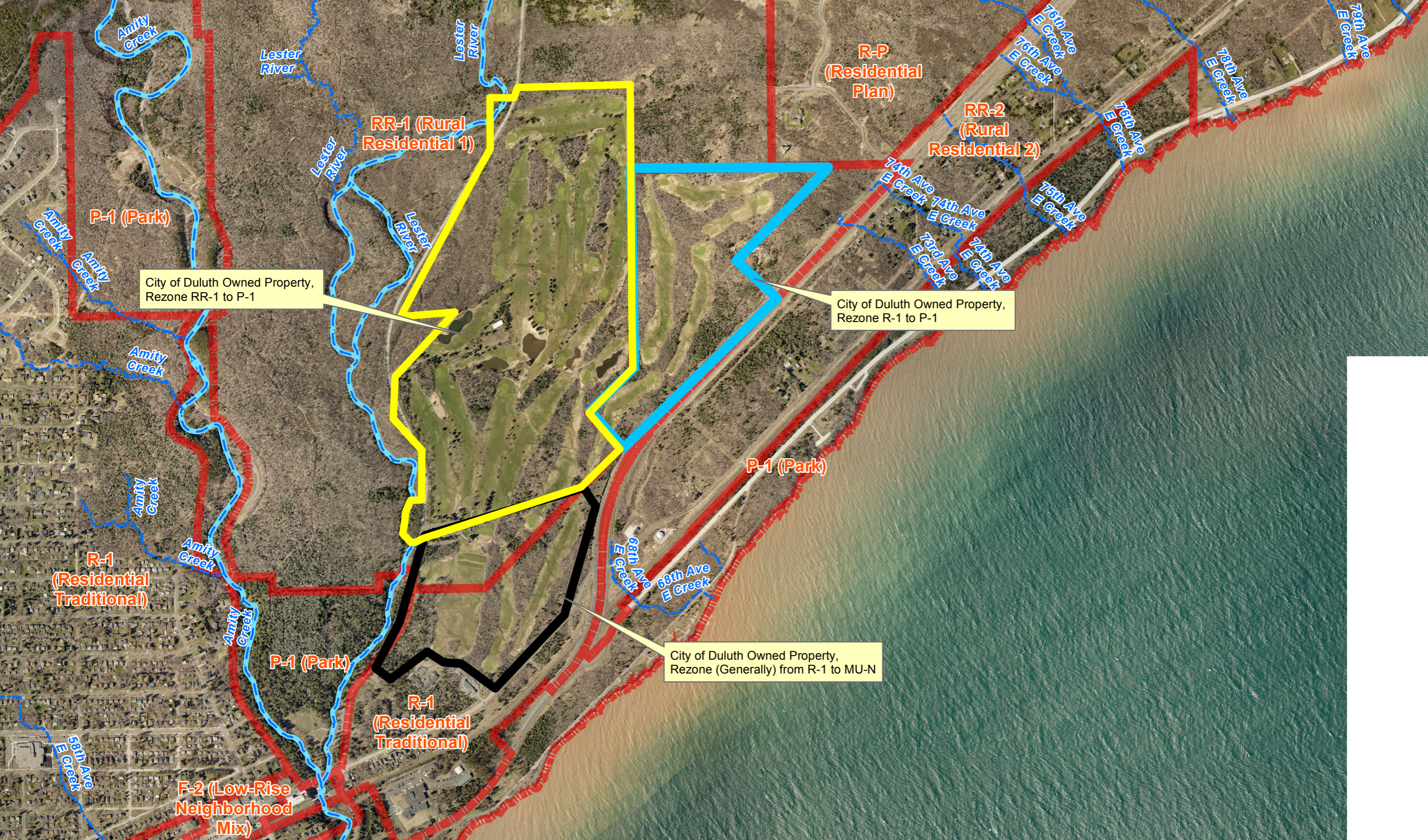
- 1) The proposed zone districts are the most reasonably able to implement the objectives of the Comprehensive Plan related to the land use for this area.
- 2) Material adverse impacts on nearby properties are not anticipated.
- 3) The rezoning is consistent with the Comprehensive-Plan Future Land Use Map.



City of Duluth Owned Property,  
Rezone RR-1 to P-1

City of Duluth Owned Property,  
Rezone R-1 to P-1

City of Duluth Owned Property,  
Rezone (Generally) from R-1 to MU-N



R-P  
(Residential  
Plan)

RR-2  
(Rural  
Residential 2)

RR-1 (Rural  
Residential 1)

P-1 (Park)

City of Duluth Owned Property,  
Rezone RR-1 to P-1

City of Duluth Owned Property,  
Rezone R-1 to P-1

P-1 (Park)

R-1  
(Residential  
Traditional)

P-1 (Park)

City of Duluth Owned Property,  
Rezone (Generally) from R-1 to MU-N

R-1  
(Residential  
Traditional)

F-2 (Low-Rise  
Neighborhood  
Mix)

Amity  
Creek

Lester  
River

Lester  
River

Lester  
River

Lester  
River

Amity  
Creek

Amity  
Creek

Amity  
Creek

Amity  
Creek

68th Ave  
E Creek

68th Ave  
E Creek

58th Ave  
E Creek

74th Ave  
E Creek

74th Ave  
E Creek

73rd Ave  
E Creek

74th Ave  
E Creek

75th Ave  
E Creek

74th Ave  
E Creek

76th Ave  
E Creek

76th Ave  
E Creek

76th Ave  
E Creek

78th Ave  
E Creek

79th Ave  
E Creek

# Proposed Future Land Use Changes: East Hillside to Lester Park

# MAP 4

20. Woodland:  
Current: Institutional  
Proposed: Neighborhood Commercial

11. Woodland Housing Areas:  
Current: Preservation and Recreation  
Proposed: Traditional Neighborhood

15. Riley Road - Rice Lake Annexation:  
Current: Undesignated  
Proposed: Rural Residential

16. Riley Road - Rice Lake Annexation:  
Current: Undesignated  
Proposed: Recreational

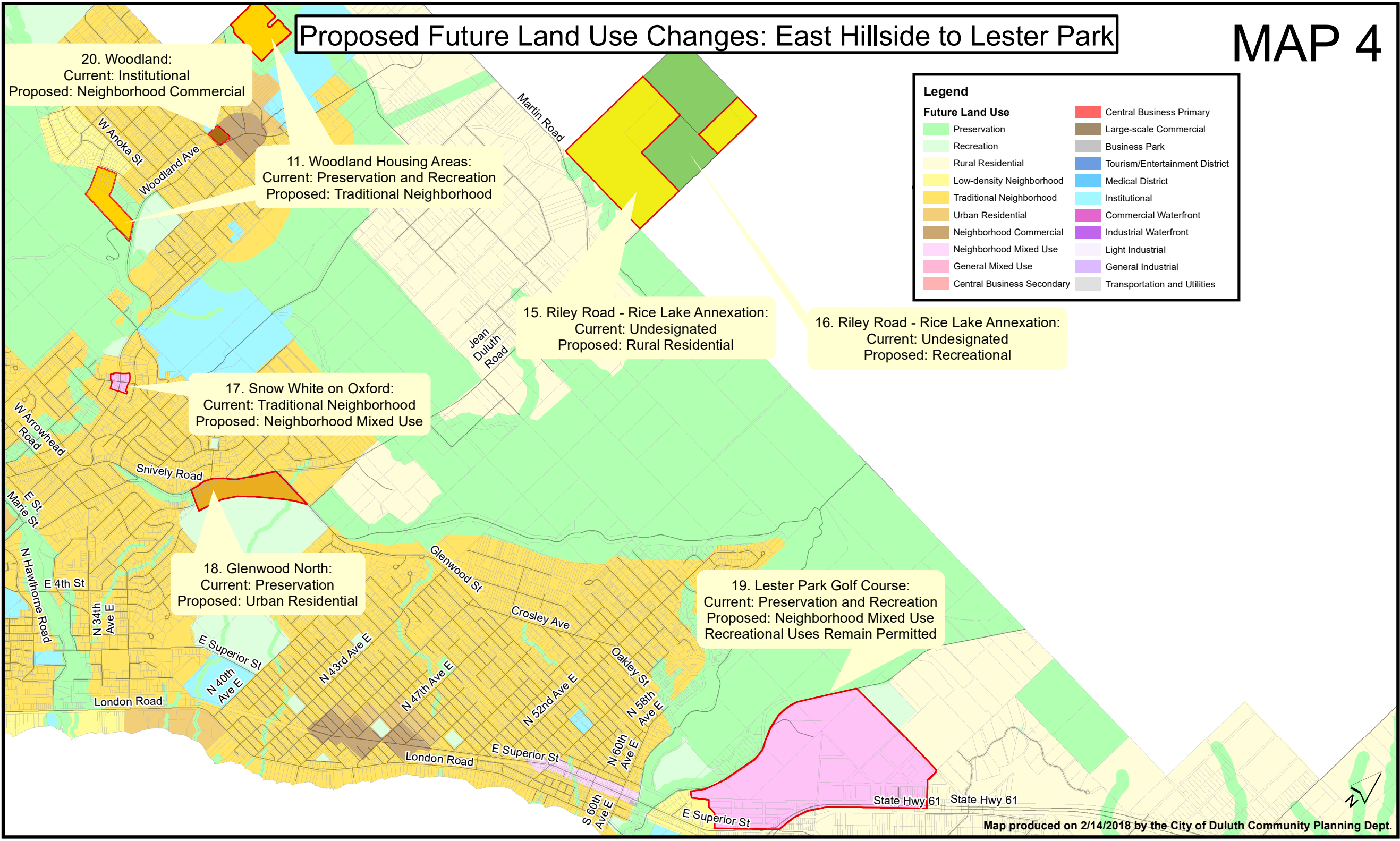
17. Snow White on Oxford:  
Current: Traditional Neighborhood  
Proposed: Neighborhood Mixed Use

18. Glenwood North:  
Current: Preservation  
Proposed: Urban Residential

19. Lester Park Golf Course:  
Current: Preservation and Recreation  
Proposed: Neighborhood Mixed Use  
Recreational Uses Remain Permitted

**Legend**

Future Land Use	
<span style="color: green;">■</span> Preservation	<span style="color: red;">■</span> Central Business Primary
<span style="color: lightgreen;">■</span> Recreation	<span style="color: brown;">■</span> Large-scale Commercial
<span style="color: yellow;">■</span> Rural Residential	<span style="color: grey;">■</span> Business Park
<span style="color: orange;">■</span> Low-density Neighborhood	<span style="color: blue;">■</span> Tourism/Entertainment District
<span style="color: gold;">■</span> Traditional Neighborhood	<span style="color: cyan;">■</span> Medical District
<span style="color: tan;">■</span> Urban Residential	<span style="color: lightblue;">■</span> Institutional
<span style="color: darkorange;">■</span> Neighborhood Commercial	<span style="color: magenta;">■</span> Commercial Waterfront
<span style="color: pink;">■</span> Neighborhood Mixed Use	<span style="color: purple;">■</span> Industrial Waterfront
<span style="color: lightpink;">■</span> General Mixed Use	<span style="color: lavender;">■</span> Light Industrial
<span style="color: peachpuff;">■</span> Central Business Secondary	<span style="color: grey;">■</span> General Industrial
	<span style="color: grey;">■</span> Transportation and Utilities



## 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 Park & Open Space (P-1) Zone District Revised January 2019**

### Permitted Uses

- Park, playground, or forest reserve
- Golf course

### Special Uses

- Cemetery or mausoleum
- Club or lodge (private)
- Government building or public safety facility
- Museum, library, or art gallery
- Riding stable
- Seasonal camp or cabin
- Marina or yacht club
- Recreational vehicle park
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Water or sewer pumping stations/reservoirs

**From:** City of Duluth MN <[no-reply@DuluthMN.gov](mailto:no-reply@DuluthMN.gov)>  
**Sent:** Monday, June 3, 2019 5:57 PM  
**To:** Keith Hamre <[khamre@DuluthMN.gov](mailto:khamre@DuluthMN.gov)>  
**Subject:** The Form 'Boards - Planning Commission' was submitted

# Umbraco Forms

## Form Results

**First Name**

Patricia

**Last Name**

Greenwood

**Email Address**

**Message**

Let it be recorded that I oppose PL 19-068 UDC Map Amendment to Rezone Property at Lester River Golf Course, From RR-1 (Rural Residential 1) and R-1 (Residential-Traditional), to MU-N (Mixed Use-Neighborhood) and P-1 (Parks and Open Space), by the City of Duluth