



**Planning & Development Division**  
Planning & Economic Development Department  
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<b>File Number</b>	PL 19-109	<b>Contact</b>	Steven Robertson
<b>Type</b>	Rezone from RR-1 to MU-B	<b>Planning Commission Date</b>	August 13, 2019
<b>Deadline for Action</b>	<b>Application Date</b>		60 Days
	<b>Date Extension Letter Mailed</b>	N/A	120 Days
<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>	July 30, 2019	<b>Sign Notice Date</b>	July 30, 2019
<b>Neighbor Letter Date</b>	July 30, 2019	<b>Number of Letters Sent</b>	25

#### **Proposal**

The City is proposing to rezone property from the current zoning of Rural Residential 1 (RR-1) and Residential-Traditional (R-1), to Mixed Use Business Park (MU-B).

#### **Staff Recommendation**

Staff is recommending approval of the proposed rezoning to MU-B.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	RR-1,R-1	Residential, Undeveloped	Business Park
<b>North</b>	I-G,MU-B	Industrial	General Industrial
<b>South</b>	R-1	Undeveloped, Residential	Open Space, Traditional Neighborhood
<b>East</b>	I-G	Undeveloped	Open Space, General Industrial
<b>West</b>	RR-1	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 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

Business Park- Primarily office and light industrial areas developed in a unified manner, with standards for site design and circulation patterns, signage, landscaping, and building design.

##### Site History or Previous Studies

The Gary New Duluth Small Area Plan was completed in May 2014. Goal 2 of the plan is to “change zoning map designation to better reflect existing land use while minimizing potential negative impacts to surrounding area”. This specific subject area was not addressed in the plan, however.

The Imagine Duluth 2035 Comprehensive Land Use Plan was adopted on June 25, 2018. The plan recommended 21 changes to the future land use plan. This area is addressed as Becks Road (Site 2) “The area along Becks Road is changed from Preservation to Business Park. Much of this area is currently owned by the State of Minnesota due to tax forfeiture. It is in close proximity to the demolition landfill and has good access to Becks Road, as well as water and sewer infrastructure.”

#### **Review and Discussion Items:**

1) The City is proposing to rezone property from the current zoning of Rural Residential 1 (RR-1) to Mixed Use Business Park (MU-B).

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) Prior to the adoption of the Imagine Duluth 2035 Plan, the future land use designation of this area was preservation. Areas with a future land use designation of preservation generally have a zoning designation of R-C or RR-1.

4) State Statute requires that a community's zoning map implement the general objectives of the Comprehensive Plan. The future land use category of Business Park is most commonly reflected in the City's zoning map as MU-B. Other criteria for zoning include considering existing land use patterns and if the rezoning is related to the needs to the community or existing land use. The current land use of the subject area is undeveloped, with a major road to the north, waterway to the south, and a demolition landfill to the east.

5) The purpose of the MU-B district is 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) Based on the development pattern of adjacent areas and the purpose statement of MU-B zone districts, rezoning as proposed in the attached map is appropriate for this area.
- 7) No written correspondence has been received as of the date that this memo was printed (August 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 on the map titled Proposed Rezoning Area Map.

- 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.

# Uses Allowed in Mixed Use-Business Park (MU-B) Zone District

## Revised January 2019

### Permitted Uses

- Bus or rail transit station
- Government building or public safety facility
- Business art or vocational school
- Medical or dental clinic
- Kennel
- Veterinary or animal hospital
- Convention or event center
- Indoor entertainment facility
- Restaurant (less than 5,000 sq. ft.)
- Restaurant (5,000 sq. ft. or more)
- Hotel or motel
- Bed and breakfast
- Bank
- Office
- Data center
- Business park support activities
- Funeral home or crematorium
- Mini-storage facility
- Personal service and repair, small (less than 10,000 sq. ft.)
- Personal service and repair, large (10,000 sq. ft. or more)
- Building material sales
- Automobile and light vehicle repair service
- Automobile and light vehicle sales, rental or storage
- Filing station
- Parking lot (primary use)
- Parking structure
- Truck or heavy vehicle sales, rental, repair and storage
- **Contractor's shop and storage yard**
- Dry cleaning and laundry plant
- Research laboratories
- Industrial services
- Manufacturing, craft artisan studio
- Manufacturing, craft brewery
- Manufacturing, light
- Truck freight or transfer terminal
- Solar, geothermal, or biomass facility (primary use)
- Storage warehouse
- Wholesaling

### Special Uses

- Cemetery or mausoleum
- Museum, library or art gallery
- Religious assembly, small (less than 50,000 sq ft)
- Religious assembly, large (50,000 sq. ft. or more)
- Other outdoor entertainment or recreation use not listed
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Radio or television broadcast tower
- Water or sewer pumping stations/reservoirs
- Wind power facility (primary use)
- Recycling collection point (primary use)
- Solid waste disposal or processing facility

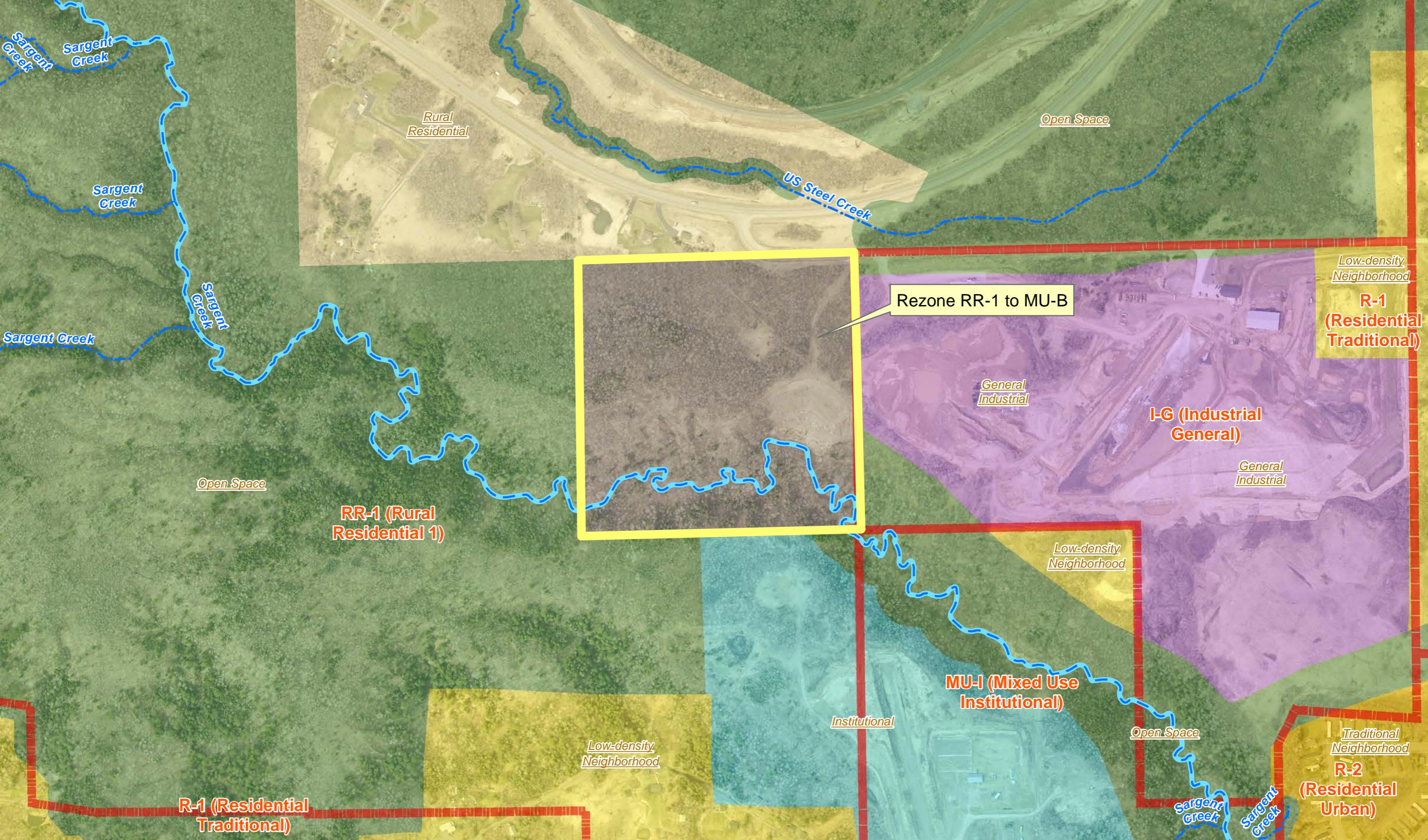
### Interim Uses

- Medical cannabis distribution facility
- Medical cannabis laboratory



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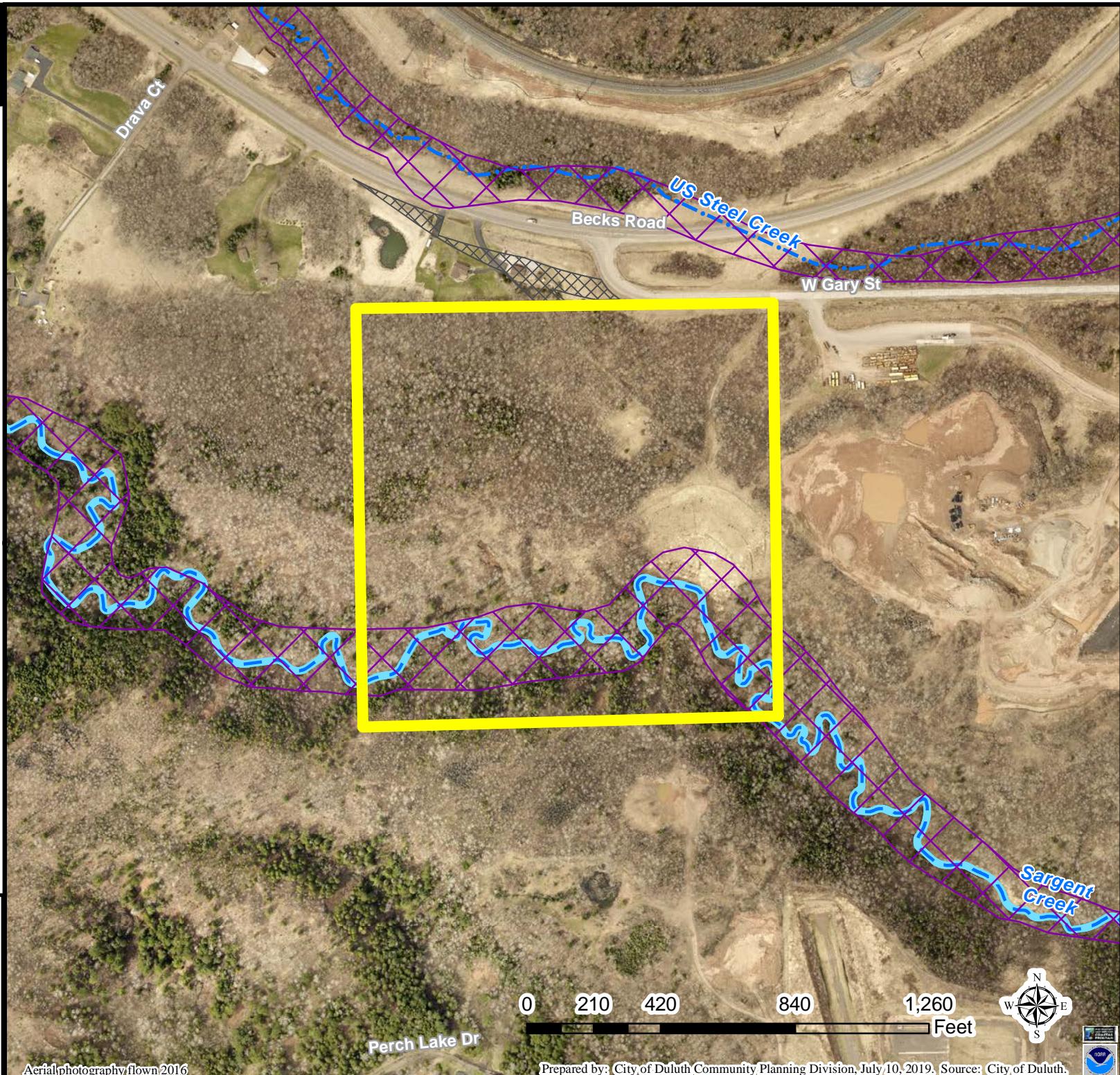
PL 19-110 Rezone To MU-B

### Legend

- Vacated ROW
- Floodplain (UDC)**
  - General Flood Plain
  - Flood Way
  - Flood Fringe
- Trout Stream (GPS)
- Other Stream (GPS)

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.

Aerial photography flown 2016



waterfront-related uses. Given these similarities, in the future these categories should be evaluated to determine if combining them is desirable. The boom in craft manufacturing and artisan spaces further supports a blending of industrial and commercial areas. The resulting land use category should encourage a variety of water dependent uses, preserve necessary industrial areas, and promote public water access.

**Form Districts**—The 2006 Comprehensive Land Use Plan called for form-based guidelines in the Central Business Primary and Central Business Secondary areas, as well as in some Urban Residential and Traditional Neighborhood areas. The study done as part of the UDC creation in 2009-2010 further defined and mapped form district areas, including some (but not all) of the Central Business Primary and Central Business Secondary areas, and Neighborhood Commercial and Mixed Use Neighborhood. The Future Land Use categories and map should be amended to clarify those areas designated for form districts and to better align with the UDC. In addition, it should include an analysis of streetscape and form type that is being identified for the area.

## Map Amendments

In addition to changes to the categories as mentioned above, Imagine Duluth 2035 amends the Future Land Use Map as follows:

### Midway Annexation (Site 1)

The areas subject to this change were brought into the city from Midway Township as part of the City and Township's orderly annexation agreement. The majority of the lands are in public ownership and are designated Open Space. Lands along Becks Road, which provides a strong connection to Interstate 35, are designated General Industrial. This reflects existing heavy industrial land uses, including gravel mining and cement and asphalt production.

### Becks Road (Site 2)

The area along Becks Road is changed from Preservation to Business Park. Much of this area is currently owned by the State of Minnesota due to tax forfeiture. It is in close proximity to the demolition landfill and has good access to Becks Road, as well as water and sewer infrastructure.

## Becks Road & Commonwealth Ave Intersection (Site 3)

In this location, lands were previously designated for Auto-Oriented Commercial uses. This area is now designated for Business Park development, which is intended for job-intensive uses.

## Thompson Hill (Site 4)

This site changes from Auto-Oriented Commercial to Low Density Neighborhood. The change is based on the availability of utilities and consistency between this area and other lands immediately to the north. This area of the city is part of the Kingsbury Creek and Knowlton Creek watersheds; low intensity uses are appropriate.

## Grand Avenue (Site 5)

This changes from Auto-Oriented Commercial to Neighborhood Mixed Use. Change to neighborhood oriented commercial activities will allow for redevelopment of sites serving the residential area on the uphill side of Grand Avenue. Neighborhood oriented uses are most appropriate, allowing higher intensity commercial activities to be located in the Core Investment Areas to the east and west of this area of the city.

