



**CITY OF DULUTH**  
Community Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197  
Phone: 218/730.5580 Fax: 218/723-3559

<b>File Number</b>	PL 19-060	<b>Contact</b>	Steven Robertson	
<b>Type</b>	Rezone from R-2, to 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 R-2 (Residential-Urban), to Mixed Use Neighborhood (MU-N).

**Staff Recommendation**

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

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-2	Res, Multi-Family Res	Urban Residential
<b>North</b>	MU-N/F-6	Residential, Commercial	Neighborhood Mixed Use
<b>South</b>	MU-N	Res, Multi-Family Res	Neighborhood Mixed Use
<b>East</b>	MU-I	Residential, Medical	Institutional
<b>West</b>	MU-I	Medical, Commercial	Institutional

**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

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 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.

## **Review and Discussion Items**

Staff finds that:

- 1) The City is 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. The future land use category of Urban-Residential is most commonly reflected in the City's zoning map as R-2. However, much of the adjacent neighborhood is zoned MU-N. In rezoning property, implementing the comprehensive plan is one criterion to consider. 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 proposed rezoning area is interspersed with uses that are more in keeping with the purpose statement of the proposed MU-N zone than the residential focus of R-2
- 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 A has a future land use designation of Urban-Residential, which translates most often into the R-2 zone district. The current land use is a mix of single-family homes, multifamily structures, and commercial or medical uses. Area A is bracket by two areas of higher intensity land uses to the east and west (St. Luke's and Essentia), and 4<sup>th</sup> Avenue East to the north which has a mix of commercial and higher density residential uses.
- 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 additional land uses that would not normally be allowed in R-2.
- 6) Based on the character of this neighborhood, the development pattern of adjacent neighborhoods, and the purpose statement of MU-N 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 (May 22, 2019), but several phone calls have been received, asking for more information as to the purpose of the rezoning, and impact of the rezoning if approved.

## **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.





**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 A, Future Land Use  
Urban Residential**

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





Area A, City Proposal to Rezone  
From: R-2 (Urban-Residential)  
To: MU-N (Mixed Use-Neighborhood)

MU-N (Mixed Use Neighborhood)

R-1 (Residential Traditional)

MU-I (Mixed Use Institutional)

F-6 (Mid-Rise Neighborhood Shopping)

R-1 (Residential Traditional)

MU-N (Mixed Use Neighborhood)

R-2 (Residential Urban)

MU-N (Mixed Use Neighborhood)

MU-N (Mixed Use Neighborhood)

MU-N (Mixed Use Neighborhood)

MU-C (Mixed Use Commercial)

MU-I (Mixed Use Institutional)

F-8 (Downtown Mix)

I-G (Industrial General)

## 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 Residential-Urban (R-2) Zone District Revised January 2019**

### **Permitted Uses**

- Dwelling, one family
- Dwelling, two family
- Dwelling, townhouse
- Dwelling, multifamily
- Residential care facility/assisted living (6 or fewer)
- Residential care facility/assisted living (7 or more)
- Government building or public safety building
- Park, playground, or forest reserve
- Religious assembly, small (less than 50,000 sq. ft. or more)
- School, elementary
- Nursing home
- Agriculture, community garden
- Veterinarian or animal hospital
- Bed and breakfast
- Preschool
- Day care facility, small (14 or fewer)

### **Special Uses**

- Manufactured Housing Park
- Co-housing facility
- Rooming house
- Cemetery or mausoleum
- Club or lodge (private)
- Museum, library, or art gallery
- Religious assembly, large (50,000 sq. ft. or more)
- School, middle or high
- Agriculture, farmers market
- Agriculture, urban
- Medical or dental clinic
- Restaurant (less than 5,000 sq. ft.)
- Office
- Day care facility, large (15 or more)
- Funeral Home or crematorium
- Retail store not listed, small (less than 15,000 sq. ft.)
- Filling station
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Water or sewer pumping stations/reservoirs

### **Interim Uses**

- Vacation Dwelling Unit