



CITY OF DULUTH
Community Planning Division

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

File Number	PL 17-139	Contact	Steven Robertson	
Type	UDC Map Amendment, Rezone, to MU-N, R-2, and R-1	Planning Commission Date	September 12, 2017	
Deadline for Action	Application Date	N/A, City Action	60 Days	
	Date Extension Letter Mailed		120 Days	
Location of Subject				
Applicant	City of Duluth, Community Planning	Contact		
Agent	N/A	Contact		
Legal Description				
Site Visit Date	August 29, 2017	Sign Notice Date	August 29, 2017	
Neighbor Letter Date	August 29, 2017	Number of Letters Sent	42	

Proposal

The City is proposing to rezone properties in the general area of West Arrowhead Road and North Arlington Avenue from MU-C, R-1, and RR-1 to MU-N, RR-1 to R-2, and RR-1 to R-1, in conformance with the future land use map.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-C/R-1/RR-1	Commercial/Undeveloped	Neigh. Mixed Use/Urban Res
North	RR-1	Undeveloped	Rural Residential
South	R-1	Residential	Traditional Neighborhood
East	MU-B/MU-I	Industrial/Institutional	Light Industrial/Institutional
West	RR-1	Residential	Rural 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.

IV.D-1

Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):

Low Density Neighborhood: Single-family housing with urban services. Typified by curvilinear streets, houses with longer side parallel to street, and attached garages. Includes a range of house sizes and lot sizes. Non-residential uses are mainly uses such as schools and churches. Parks and open space are located within or adjacent to the neighborhood.

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.

Urban Residential: Greatest variety of 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.

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.

Governing principle #1 is to reuse previously developed lands, including those adjacent to existing infrastructure.

Principle #2, declare the necessity and secure the future of undeveloped places.

Principle #10, take sustainable actions.

Recent History: The Arrowhead Road Land Use Study was initiated in late 2015, and examined existing land uses, transportation, natural resources, and utilities in the study area. Two public meetings were held to share information and collect input. A public open house on February 23, 2016, presented information about the area and invited the 100+ participants to envision the future land uses. On March 29, 2016, a second public meeting presented three different land use scenarios for feedback. The City Council approved the future land use changes in March 2016 (16-0305R). This study resulted in three rezoning actions over the last year, all implemented by private property owners: PL 16-081 (Eastridge Church Rezoning from RR-1 to R-2), PL 17-005 (Eastridge Church Rezoning from R-2 to MU-P), and PL 16-127 (Duluth Gospel Tabernacle Church rezoning from RR-1 to R-1 and R-2).

Review and Discussion Items

Staff finds that:

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 and the 2016 Future Land Use Study. It will result in a transition of land uses, with areas closest to major roads being zoned MU-N, and areas with denser housing developments zoned R-2 and R-1, and more rural areas without access to city water and sewer zoned RR-1. This rezoning action is not in anticipation of any specific potential development. 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) Area A (in the map titled Proposed Rezoning Area Map) has a future land use designation of neighborhood mixed use, which translates into the MU-N zoning district. It is currently zoned R-1, and the current land use is vacant or undeveloped.
- 4) Area B has a future land use designation of neighborhood mixed use, which translates into the MU-N zoning district. It is currently zoned MU-C, and the current land use is vacant or undeveloped. In the previous four years, two projects have been proposed at this site (kennel and office/retail), but neither one of the projects resulted in construction of a new structure.
- 5) Area C has a future land use designation of neighborhood mixed use, which translates into the MU-N zoning district. It is currently zoned MU-C, and the current land use is vacant or undeveloped.
- 6) Area D has a future land use designation of neighborhood mixed use, which translates into the MU-N zoning district. It is currently zoned R-1, and the current land use is two residential structures.
- 7) Area E has a future land use designation of neighborhood mixed use, which translates into the MU-N zoning district. It is currently zoned RR-1, and the current land use is vacant or undeveloped.
- 8) Area F has a future land use designation of urban residential, which translates into the R-2 zoning district. It is currently zoned RR-1, and the current land use is one religious assembly and one dental medical facility.
- 9) Area G has a future land use designation of urban residential, which translates into the R-2 zoning district. It is currently zoned RR-1, and the current land use is an assisted care facility.
- 10) Area H has a future land use designation of low density neighborhood, which translates into the R-1 (or some areas of the City RR-2 or RR-1) zoning district. It is currently zoned RR-1, and the current land use is vacant or undeveloped. The areas directly to the west and south are zoned R-1.
- 11) The purpose of the RR-1 district is to accommodate large-lot, single-family detached residential uses, typically surrounded by significant open space, on lots of at least 5 acres each. The district encourages distinctive neighborhoods with a semi-rural character. Complimentary uses such as limited agriculture, small-scale institutional uses, parks, minor utilities and certain temporary uses are allowed.
- 12) The purpose of the R-1 district is to accommodate traditional neighborhoods of single-family detached residences, duplexes and townhouses on moderately sized lots. This district is intended to be used primarily in established neighborhoods. Many of the dimensional standards in this district require development and redevelopment to be consistent with development patterns, building scale, and building location of nearby areas.
- 13) 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.
- 14) 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.
- 15) The purpose of the MU-C district is to provide for community and regional commercial development along commercial corridors and nodal centers. Intended non-residential uses include retail, lodging, service, and recreational facilities needed to support the community and region. Development should facilitate pedestrian connections between residential and non-residential uses.

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16) Based on the future land use designation, character and development history of this area and the purpose statements of the R-1, R-2, and MU-N zone districts, rezoning as proposed in the attached map titled Proposed Area Rezoning Map is appropriate for this neighborhood.

17) The city, as of the date this was written, has received no formal written comments in regard to this proposal. The city has received two phone calls and one email asking for more information about the proposed rezoning (the City's goal with this rezoning, and the potential impact on property owners).

18) This rezoning implements the community's goals for the area of allowing more intensive uses along major roads, while also allowing less intensive residential uses along minor roads and areas near sensitive environmental areas. The proposed rezoning promotes the smooth transition of uses, for more intensive to less intensive, as property is located further from the Arrowhead and Arlington intersection.

19) Impacts from developing property in the R-2 and MU-N zone district would be mitigated by implementing UDC development standards such as buffering and landscaping, as well as storm water treatment and detention. In addition, access management controls (reducing conflict points on roads) would help to reduce additional vehicle traffic, and wetland delineation and avoidance would help to preserve sensitive lands.

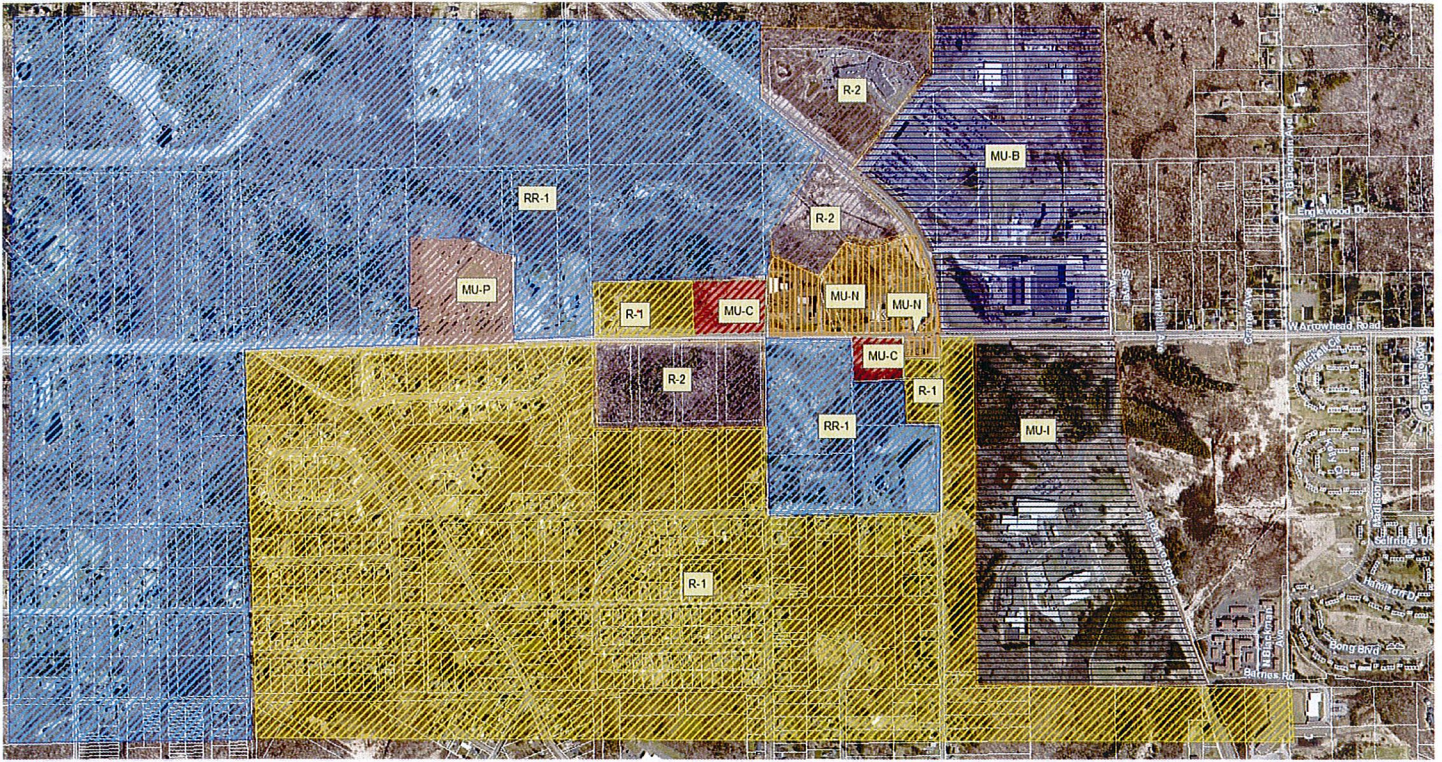
Staff Recommendation

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.

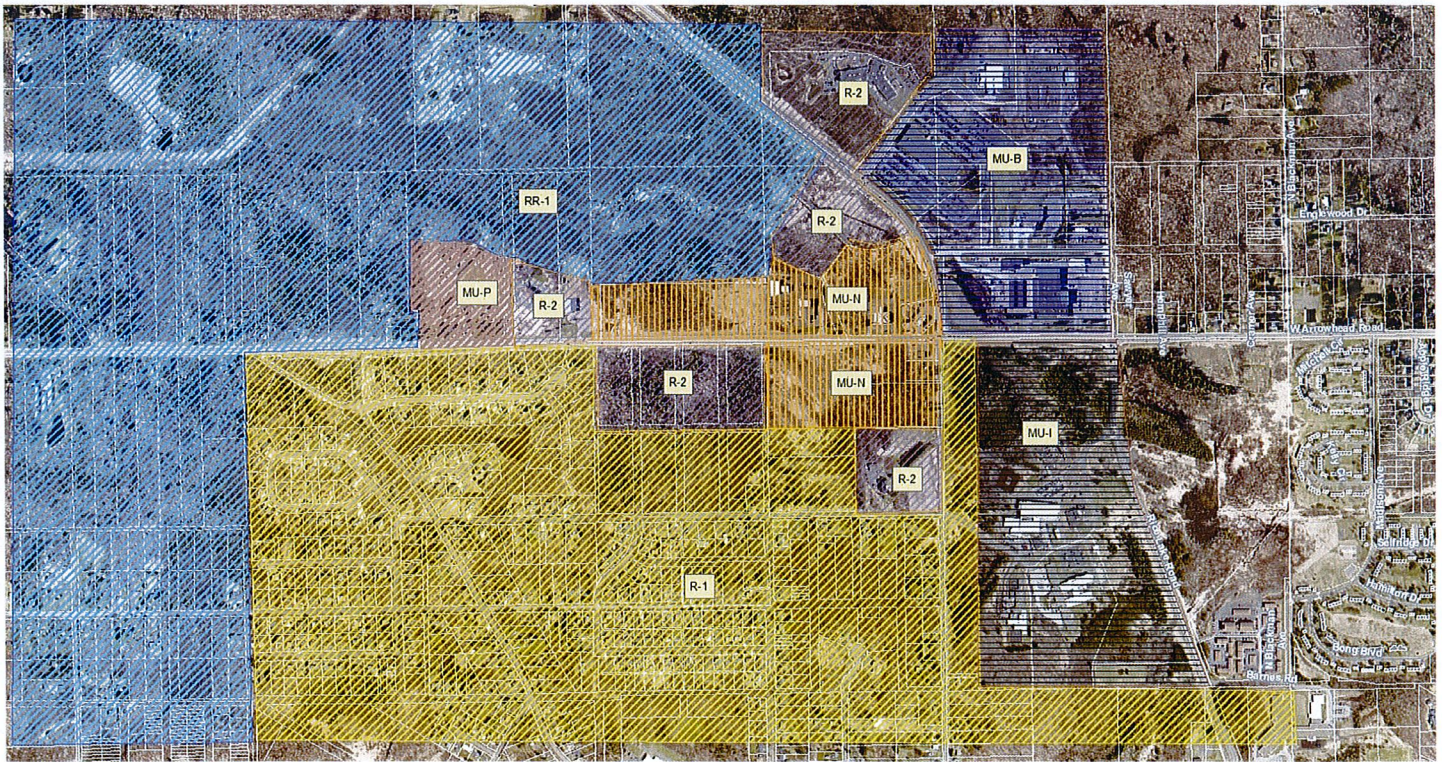
- 1) The rezoning is consistent with the Comprehensive-Plan Future Land Use Map.
- 2) The proposed zone districts are the most reasonably able to implement the objectives of the Comprehensive Plan related to the proposed land use for this area.
- 3) Material adverse impacts on nearby properties are not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

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PL 17-139, Current Zoning

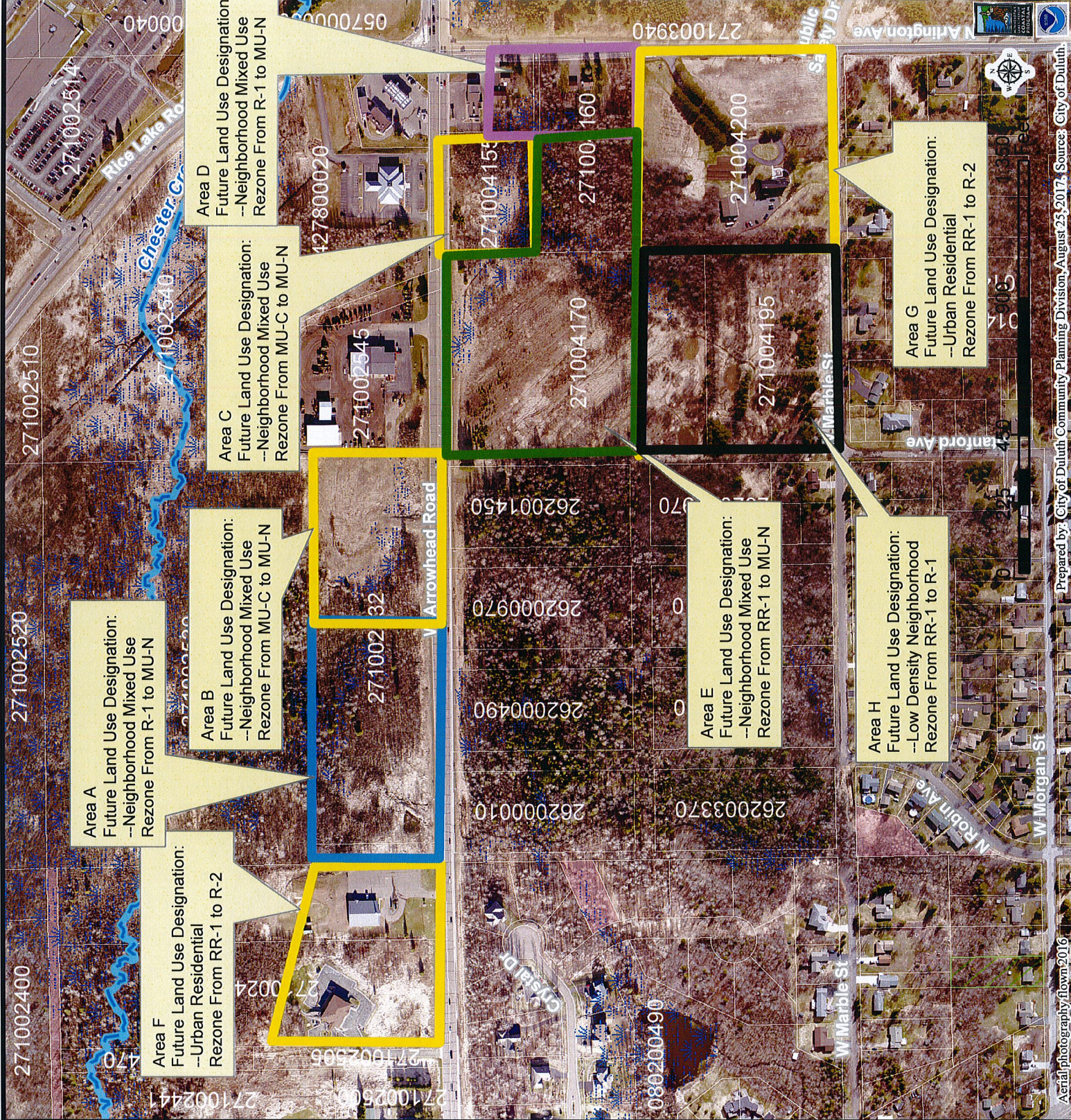


PL 17-139, Proposed Rezoning





Proposed Area Rezoning Map



Legend

- Trout Stream (GPS)
- Other Stream (GPS)
- Wetlands (NRR1)

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.


























D-6

Aerial photography from 2016

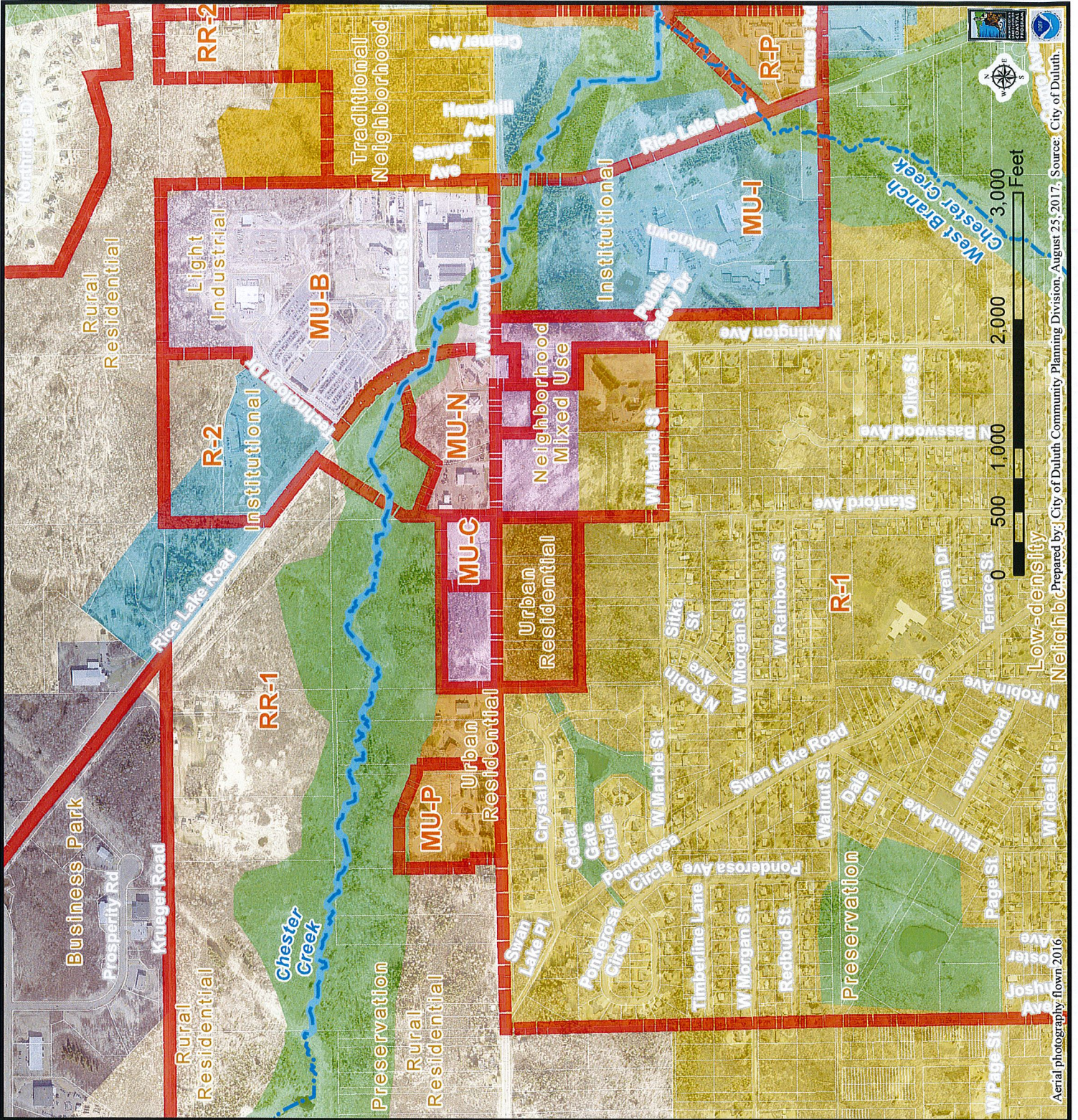
Prepared by: City of Duluth, Community Planning Division, August 23, 2017. Source: City of Duluth.



Legend

-  Zoning Boundaries
-  Trout Stream (GPS)
-  Other Stream (GPS)
- Future Land Use**
-  Preservation
-  Recreation
-  Rural Residential
-  Low-density Neighborhood
-  Traditional Neighborhood
-  Urban Residential
-  Neighborhood Commercial
-  Neighborhood Mixed Use
-  General Mixed Use
-  Central Business Secondary
-  Central Business Primary
-  Auto Oriented Commercial
-  Large-scale Commercial
-  Business Park
-  Tourism/Entertainment District
-  Medical District
-  Institutional
-  Commercial Waterfront
-  Industrial Waterfront
-  Light Industrial
-  General Industrial
-  Transportation and Utilities

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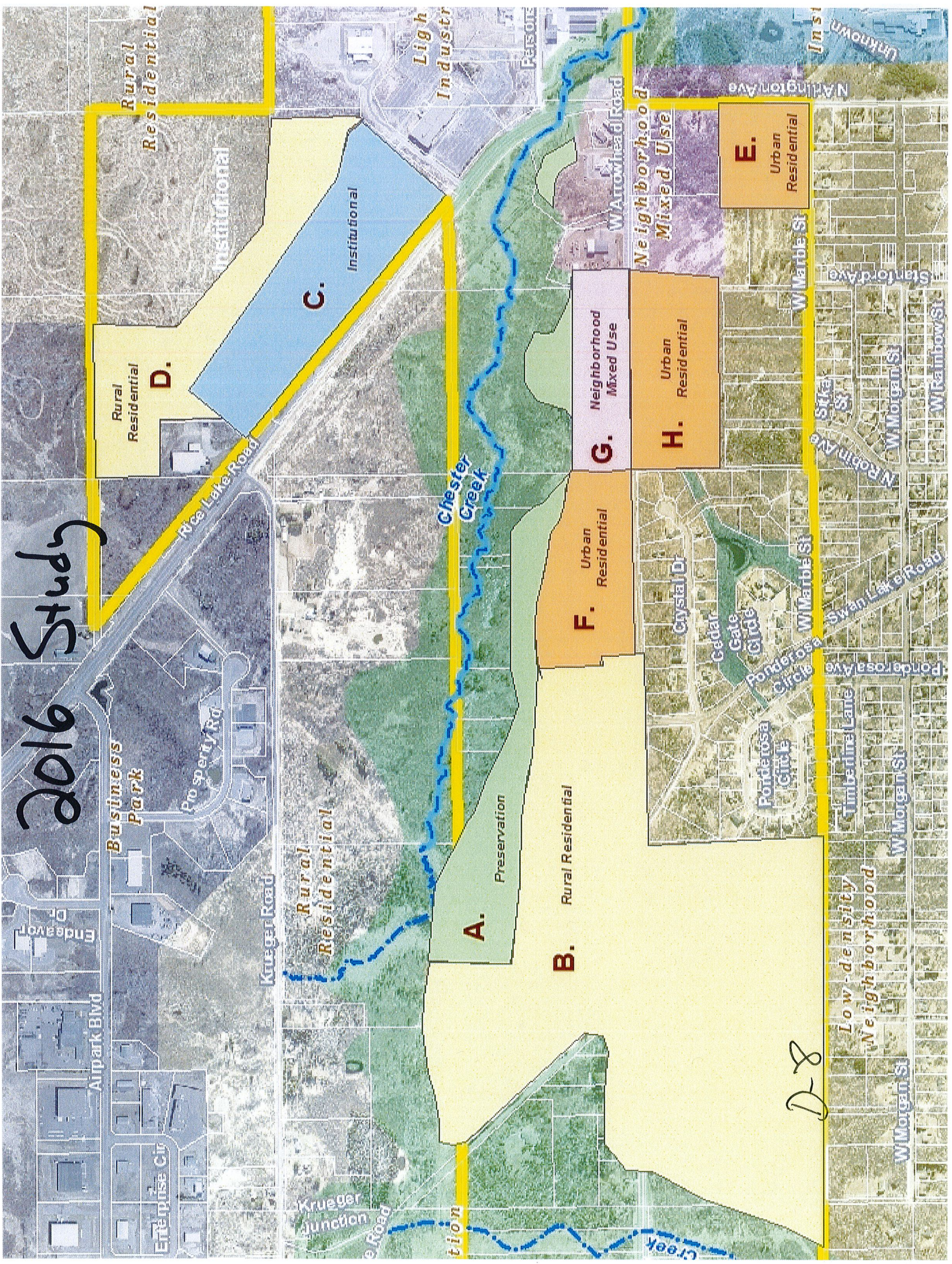
Aerial photography: flown 2016.

Neighborhood

Low-density

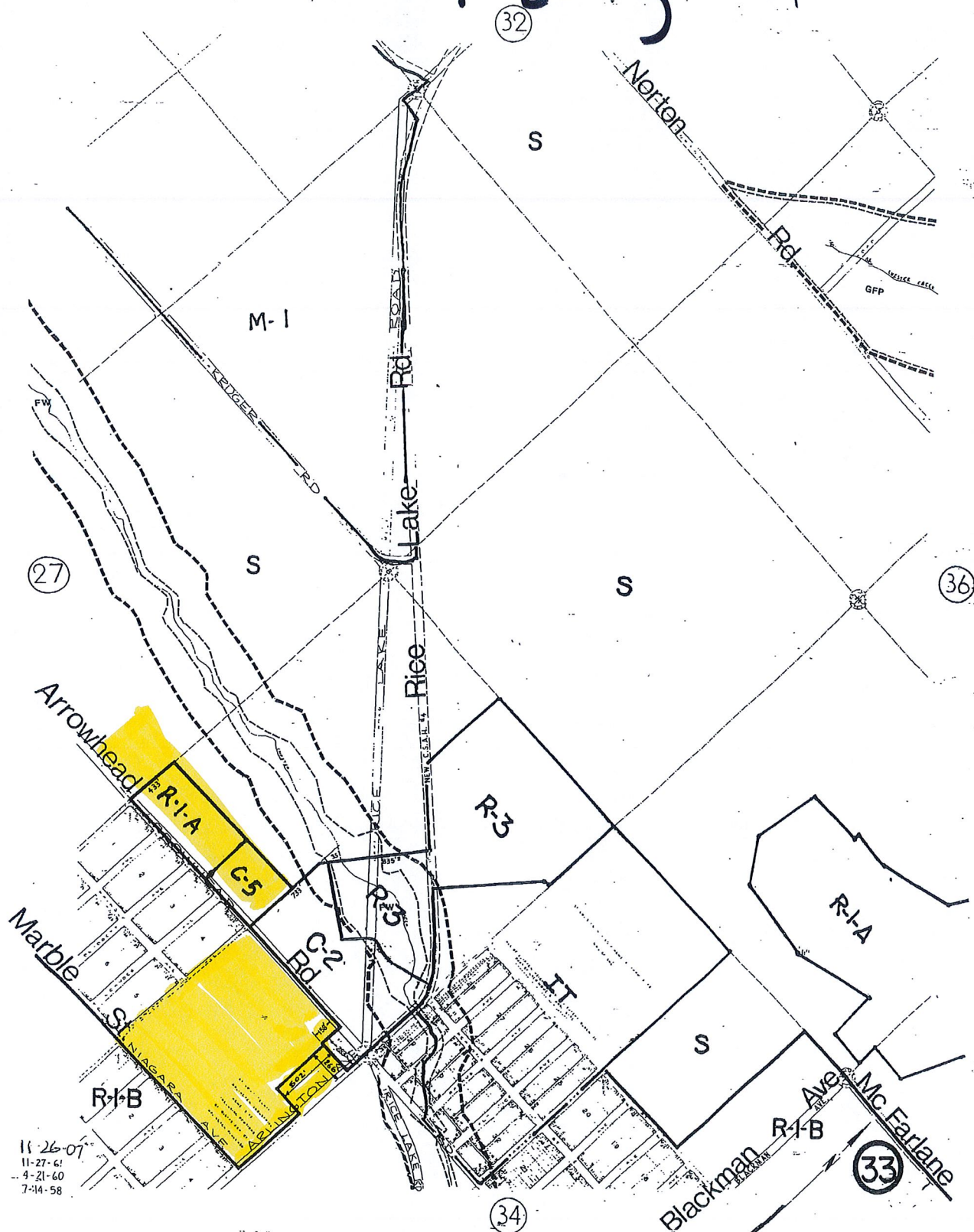
City of Duluth
Community Planning Division
August 25, 2017. Source: City of Duluth.

2016 Study



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2009 Zoning Map



11-26-07
 11-27-61
 4-21-60
 7-14-58

OFFICIAL FLOOD PLAIN AND SHORELAND MAP

City of Duluth

March 2, 1980

PLAINS	
General Flood Plain District	GFP
Flood Fringe District	FF
Floodway District	FW
SHORELANDS	
Natural Environment Shorelands	----
Recreational Development Shorelands	-----
General Development Shorelands	-----

D-9

Uses Allowed in Residential-Traditional (R-1) Zone District, Revised December 6, 2016

Permitted Uses

- Dwelling, one-family
- Dwelling, two-family
- Residential care facility/assisted Living (6 or fewer)
- Park, playground or forest reserve
- School, elementary
- Agriculture, community garden
- Day care facility, small (14 or fewer)

Special or Interim Uses

- Dwelling, townhouse
- Manufactured Home Park
- Co-housing facility
- Residential care facility/assisted living (7 or more)
- Cemetery or mausoleum
- Government building or public safety facility
- Museum, library, or art gallery
- Religious assembly, small (less than 50,000 sq. ft. or more)
- Religious assembly, large (50,000 sq. ft. or more)
- School, middle or high
- Agriculture, urban
- Bed and breakfast
- Preschool
- Day care facility, large (15 or more)
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Water or sewer pumping stations/reservoirs

Interim Uses

- Vacation dwelling unit
- Accessory vacation dwelling unit

Uses Allowed in Residential-Rural 1 (RR-1) Zone District, Revised December 6, 2016

Permitted Uses

- Dwelling, one family
- Residential care facility/assisted living (6 or fewer)
- Government building or public safety facility
- Park, playground, or forest reserve
- Religious assembly, small (less than 50,000 sq. ft.)
- School, elementary
- Agriculture, community garden
- Agriculture, general
- Agriculture, urban
- Seasonal camp or cabin
- Day care facility, small (14 or fewer)

Special Uses

- Cemetery or mausoleum
- Religious assembly, large (50,000 sq. ft. or more)
- School, middle or high
- Kennel
- Riding Stable
- Veterinarian or animal hospital
- Golf course
- Recreational Vehicle Park
- Other outdoor entertainment or recreation use not listed
- Preschool
- Day care facility, large (15 or more)
- Mini-Storage or Self-Service Storage Facility
- Garden material sales
- Mining, extraction and storage
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Radio or television broadcasting tower
- Solar, geothermal, or biomass power facility (primary use)
- Water or sewer pumping stations/reservoirs
- Wind power facility (primary use)
- Solid waste disposal or processing facility

Interim Uses

- Vacation dwelling unit

D-10

**Uses Allowed in Residential-Urban (R-2) Zone District
Revised November 14, 2016**

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

D-11

**Uses Allowed in Mixed Use-Neighborhood (MU-N) Zone District
Revised December 6, 2016**

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, Urban
- 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
- 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
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Water or sewer pumping stations/reservoirs
- Parking Lot (primary use)

Interim Uses

- Vacation dwelling unit

D-12

**Uses Allowed in Mixed Use-Commercial (MU-C) Zone District
Revised December 6, 2016**

Permitted Uses

- Dwelling, multi family
- Dwelling, live-work
- 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)
- Religious assembly, large (50,000 sq ft or more)
- Business, art or vocational school
- School, elementary
- Medical or dental clinic
- Nursing home
- Veterinary or animal hospital
- Convention or event center
- Indoor entertainment facility
- Restaurant, small (less than 5,000 sq. ft.)
- Restaurant (5,000 sq. ft. or more)
- Theater
- Hotel or motel
- Bed and breakfast
- Bank
- Office
- Data center
- Preschool
- Day care facility, small (14 or fewer)
- Day care facility, large (15 or more)
- Funeral home or crematorium
- Personal service and repair, small (less than 10,000 sq. ft.)
- Personal service and repair, large (10,000 sq. ft. or more)
- Garden material sales
- Grocery store, small
- Grocery store, large
- Retail store not listed, small (less than 15,000 sq. ft.)
- Retail store not listed, large (15,000 sq. ft. or more)
- Automobile and light vehicle repair and service
- Automobile and light vehicle sales, rental, or storage
- Filing station
- Parking lot (primary use)
- Parking structure

Special Uses

- Cemetery or mausoleum
- School, middle or high
- Kennel
- Other outdoor entertainment or recreation use not listed
- Building materials sales
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Solar, geothermal, or biomass power facility (primary use)
- Water or sewer pumping stations/reservoirs
- Recycling collection point (primary use)

D-13