



CITY OF DULUTH
Community Planning Division

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File Number	PL 17-146	Contact	Steven Robertson
Type	UDC Map Amendment, Rezone, to From MU-N to RR-1	Planning Commission Date	October 10, 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	September 26, 2017	Sign Notice Date	September 26, 2017
Neighbor Letter Date	September 19, 2017	Number of Letters Sent	5

Proposal

The City is proposing to rezone properties in the general area of US Highway 2/Interstate 35 and Cody Street/West Skyline from MU-N to RR-1 in conformance with the future land use map.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N	Residential/Undeveloped	Low-Density Neighborhood
North	RR-1	Undeveloped	Low-Density Neighborhood/Preservation
South	RR-1	Undeveloped/Residential	Preservation
East	RR-1/R-1	Undeveloped	Low Density Neighborhood/Preservation
West	RR-1	Undeveloped/Residential	Low-Density Neighborhood

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.

5-1

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

Preservation: Lands with substantial restrictions. High natural resource or scenic value, or severe development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls. Examples include: most city parklands and primary viewsheds; shorelands of lake, rivers, streams; wetlands and floodplains; high-value habitat; low-intensity private or public uses.

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.

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.

Recent History: Prior to the adoption of the UDC in November 2010, both these areas were rezoned C-2, Highway Commercial District. Since West Gate Boulevard was US Highway 61, and the entrance to Duluth, these sites may have been viewed as good highway commercial sites at one point, but no longer have direct access to US I-35. The area near Hwy 2 and 35 was a former hotel constructed in 1951, and is currently a multifamily residential property licensed for 3 rental units (1/3/13); the previous owner lived in 2 units and rented out the other 3.

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. 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) Both proposed rezoning areas have a future land use designation of low density neighborhood, which translates into the RR-2 or the RR-1 zoning district. Both areas are zoned MU-N. There are some wetland and elevation features present on both sites. Public sewer and water is not readily available to access development on the eastern area, but the western area is adjacent to public streets and a sewer line. A future low density residential development or cluster development may be an option for either sites, which due to its topography and dense development challenges is appropriate for the RR-1 zone district.
- 4) The purpose the RR-1 district is 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.
- 5) 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.

6) 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.

7) The city, as of the date this was written, has received no formal written comments in regard to this proposal.

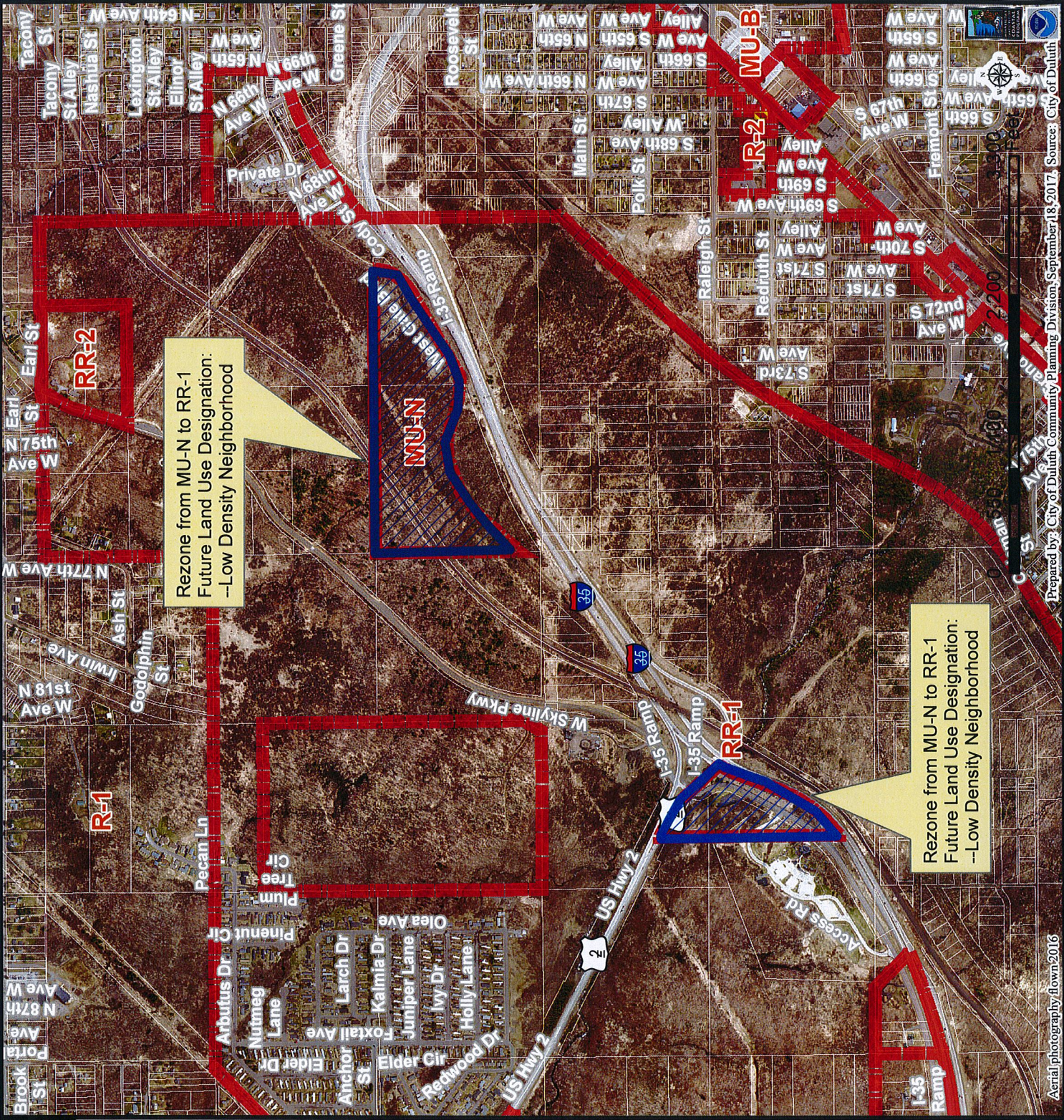
Staff Recommendation

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.



Proposed Area Rezoning Map



Rezone from MU-N to RR-1
Future Land Use Designation:
--Low Density Neighborhood

Rezone from MU-N to RR-1
Future Land Use Designation:
--Low Density Neighborhood

Legend

Zoning Boundaries

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.

F-4



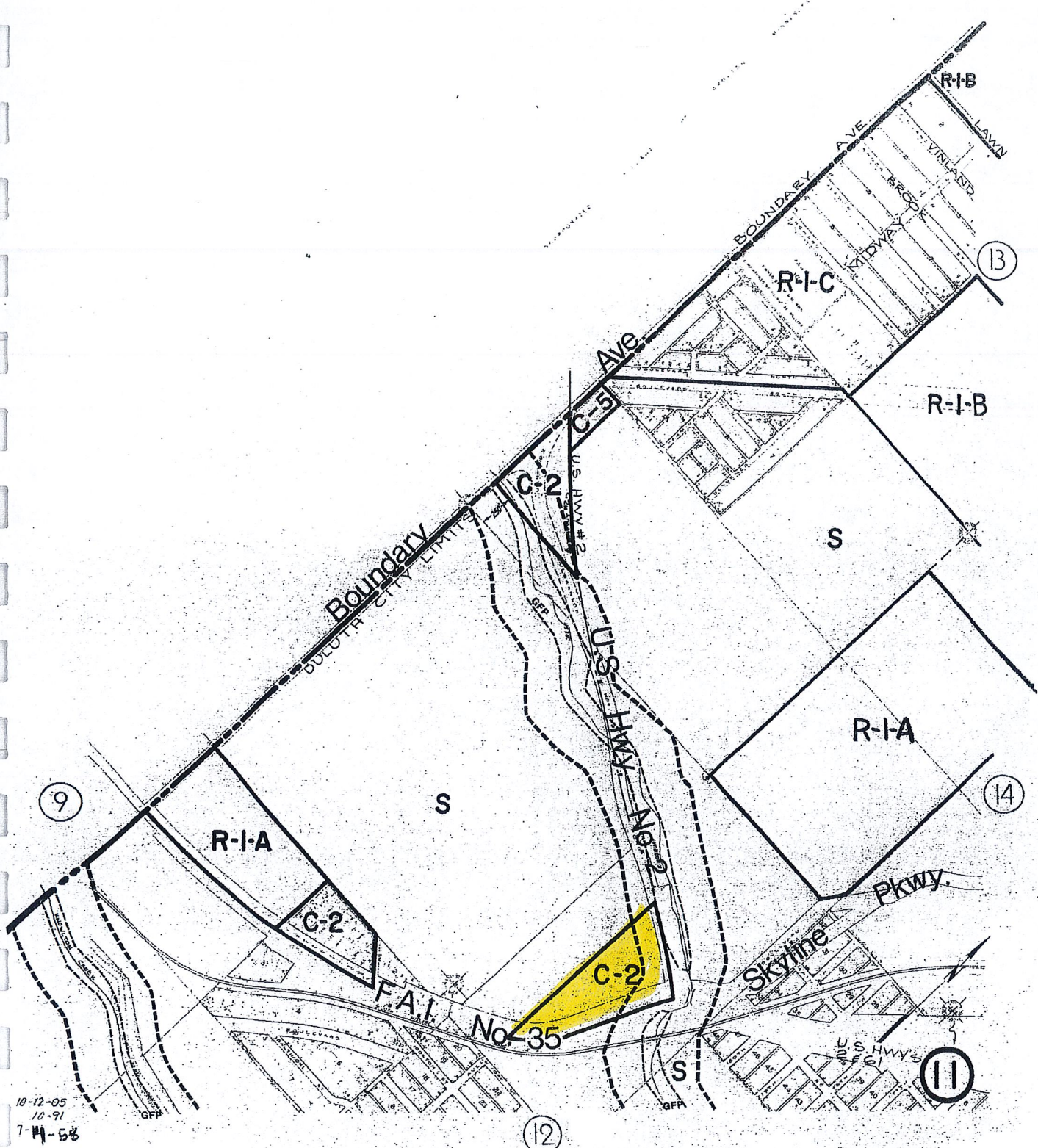
Aerial photography flown 2016

Prepared by: City of Duluth, Community Planning Division, September 18, 2017, Source: City of Duluth

Legend

- Water Distribution Main**
 - Active
- Sanitary Sewer Mains**
 - CITY OF DULUTH
 - WLLSSD; PRIVATE; RICE LAKE TWP
 - Sanitary Sewer Forced Main
- Storm Sewer Mains**
 - Storage Basin
 - Pump Station
- Storm Sewer Pipe**
- Gas Distribution Main**
 - Coated Steel
 - Plastic

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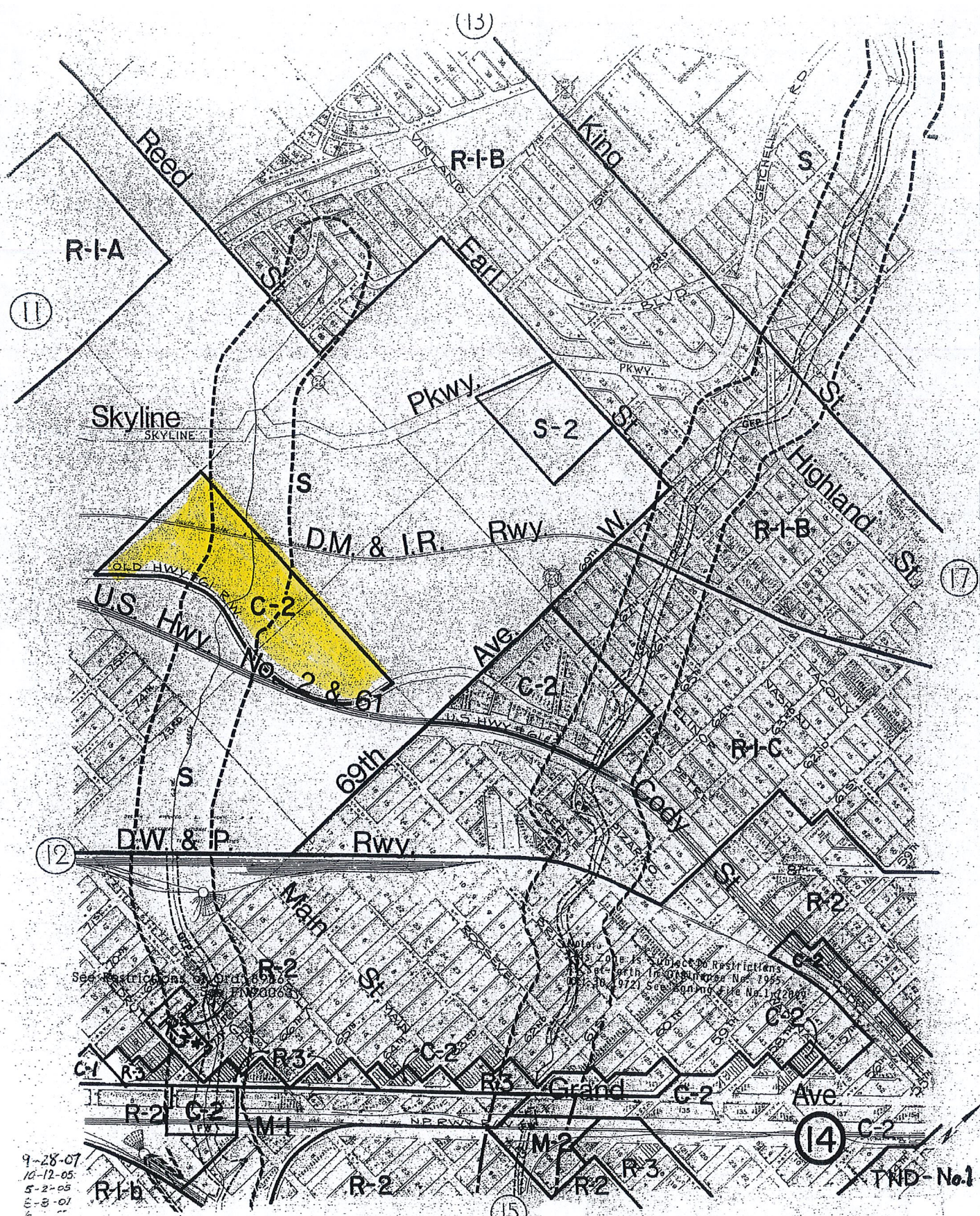
10-12-05
10-91
7-11-58

OFFICIAL FLOOD PLAIN AND SHORELAND MAPS LEGEND

City of Duluth

FLOOD PLAINS	
General Flood Plain District	GFP
Flood Fringe District	FF
Floodway District	FW
SHORELANDS	
Natural Environment Shorelands	— — — — —
Recreational Development Shorelands	~~~~~
General Development Shorelands	
March 2, 1980	Class One
March 1987 revised	Class Two

F-7



9-28-07
 10-12-05
 5-2-05
 5-8-07
 E
 7-14-58

OFFICIAL FLOOD PLAIN AND SHORELAND MAPS LEGEND

City of Duluth

FLOOD PLAINS	
General Flood Plain District	GFP
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SHORELANDS	
Natural Environment Shorelands	
Recreational Development Shorelands	
General Development Shorelands	
March 2, 1980	Class One
March 1987 revised	Class Two

F-2

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

F-9

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

F-10