



Planning & Development Division
Planning & Economic Development Department

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 Duluth, Minnesota 55802

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File Number	PL 21-064	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Rezone from RR-1 R-1	Planning Commission Date	June 8, 2021	
Deadline for Action	Application Date	May 3, 2021	60 Days	July 2, 2021
	Date Extension Letter Mailed	May 13, 2021	120 Days	August 31, 2021
Location of Subject	Woodland neighborhood – Vassar Street			
Applicant	Kevin Christiansen	Contact		
Agent		Contact		
Legal Description	See Attached Map			
Site Visit Date	May 28, 2021	Sign Notice Date	May 25, 2021	
Neighbor Letter Date	May 25, 2021	Number of Letters Sent	29	

Proposal

The applicant is proposing to rezone property from the current zoning of Rural Residential 1 (RR-1) to Residential-Traditional (R-1)

Staff Recommendation

Staff is recommending approval of the proposed rezoning to RR-1 and R-1.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	RR-1	Vacant land	Traditional Neighborhood/Open Space
North	RR-1	Vacant land	Open Space
South	RR-1	Vacant land	Traditional Neighborhood/Open Space
East	RR-1	Vacant land/Amity Creek	Open Space
West	R-1	Vacant land	Traditional 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.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 #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.

Future Land Use

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, neighborhood extensions, and new traditional neighborhood areas. The future land use category of Traditional Neighborhood is most commonly reflected in the City's zoning map as R-1.

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.

Review and Discussion Items:

- 1) The Applicant is proposing to rezone approximately 16 acres from the current zoning of Rural Residential 1 (RR-1) to Residential-Traditional (R-1).
- 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) State Statute requires that a community's zoning map implement the general objectives of the Comprehensive Plan. The future land use category of Traditional Neighborhood is most commonly reflected in the City's zoning map as R-1. The future land use category of Open Space is described as having high natural resource or scenic value, with substantial restrictions and development limitations. The area shown as Open Space is within the shoreland of Amity Creek, which is governed by the Natural Resources Overlay district that provides additional protection for shoreland and other important resources. Thus, the proposal meets the guidance provided by the Comprehensive Plan. Any future development will take into account the zoning restrictions for the Overlay.
- 4) 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 property lies within the Woodland neighborhood and is contiguous with the existing traditional neighborhood, also zoned R-1.
- 4) The R-1 district is established 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.
- 5) The applicant has stated that the intent of this rezoning of the 16 acres to R-1 along with an adjacent 10 acres already zoned the same would allow for the development of a 25-30 individual residential lots. The applicant has also stated that the developable area of the property for rezoning is consistent with the future land use category of Traditional Neighborhood. Additionally the applicant believes the rezoning will allow for more housing opportunities and increase the

demand for more services in the Woodland Core Investment Area.

6) The property will make efficient use of available street connections and better utilize available utility infrastructure in this neighborhood of the city.

7) Based on the development pattern of adjacent areas and the purpose statement of R-1 zone districts, rezoning as proposed in the attached map is appropriate for this area. The proposed rezoning to R-1 would allow for residential development to complement the existing single family housing type in the Woodland neighborhood.

8) Three emails were received regarding the rezoning as of June 1, 2021 and are attached to this report.

Staff Recommendation:

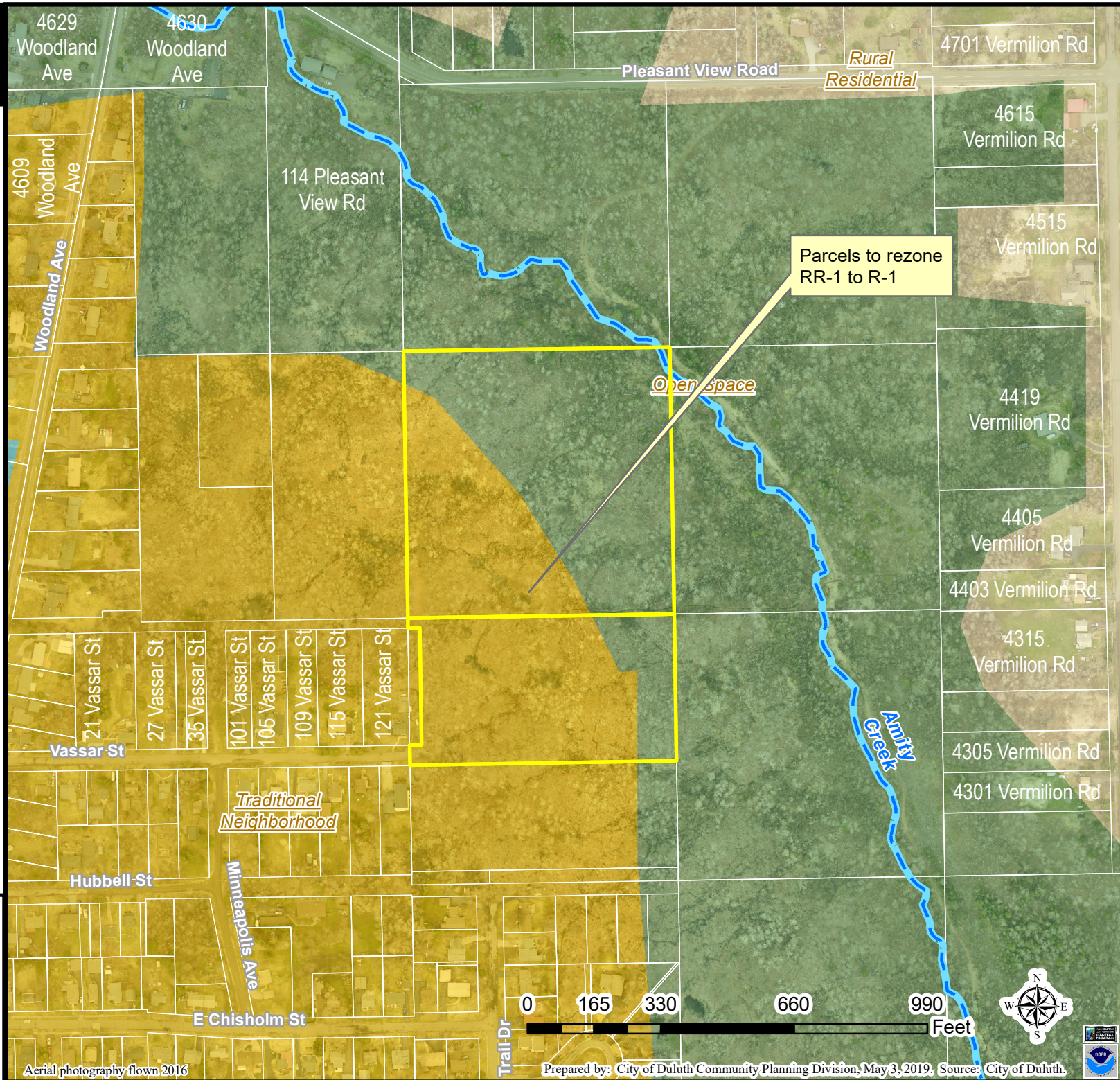
Based on the above findings staff recommends that the Planning Commission recommend approval to the City Council of the rezoning as shown on the map titled Proposed Rezoning Area Map.

- 1) The proposed zone district is the most reasonably able to implement the objectives of the Comprehensive Plan related to the land use for this area.
- 2) The proposed zone district is consistent with the existing land use pattern and meets the needs of the community.
- 3) Material adverse impacts on nearby properties are not anticipated.



PL 21-064 Rezoning
RR-1 to R-1
FLU Map

Legend	
	Trout Stream (GPS)
	Other Stream (GPS)
	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



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

Prepared by: City of Duluth Community Planning Division, May 3, 2019. Source: City of Duluth.



PL 21-064 Rezoning
RR-1 to R-1
Zoning Map



Legend

- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)

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May 14th, 2021

City Planning Commission,

My name is Kevin Christiansen, a long time Duluth resident and business owner. Over the past 18 years I have owned and operated several local businesses. Throughout my career I have worked closely with the City of Duluth, where I've built strong and respected business relationships, assisting a variety of Commercial and Residential companies with planning and executing land development.

It is my pleasure to submit this letter of intent to seek approval for the rezoning of parcels 010-2720-00340 and 010-2720-00260. Rezoning these parcels from Low Density Residential (RR-1) to Traditional Neighborhood(R-1), along with the adjacent 10 acre parcel currently zoned Traditional Neighborhood (R-1) will allow the development of approximately 25 to 30 individual residential lots also known as Amity Bluffs. The implementation of this development follows the core values of the City of Duluth's Comprehensive Plan (Imagine Duluth 2035). In the future land use map, the developable area of the above-mentioned parcels is designated to Traditional Neighborhood as outlined in the Imagine Duluth 2035 development. The current demand for housing in Duluth is substantial. Expanding residential building sites to this desirable location will not only attract new residents but will increase the demand for services in the Woodland Core Investment Area, as well as, the positive economic benefits.

Amity Bluffs land development is potentially one of the last development opportunities in the highly sought-after Woodland neighborhood. As someone who grew up in this neighborhood, I know how vital it is to preserve the character and continuity of the area. Local residents have been using these parcels to access nearby hiking and snowmobiling trails for years. It is my vision to provide safe and easy access to these trails. Rezoning this property will also allow the use of City Utilities, eliminating of the need for a septic and well on these parcels.

If the rezoning to accommodate this proposal is approved, I'm confident the development and progress of this area will reflect the goals and initiatives the City of Duluth has envisioned. I appreciate your time and consideration of this proposal.

Sincerely,

Kevin Christiansen

To the Duluth City Planning Commission:

My name is Amy Galarowicz and I am writing to invite you to visit Vassar Street. There is currently a zoning plan being considered, and if you take the opportunity to visit our neighborhood, you will witness the small, quiet nature of our street. A rezoning of the end of our street to provide multiple homes on a wetland slope would change the nature of our neighborhood. Amity Creek adjoins (and crosses) the proposed re-zoning project.

We purchased our home in 2008 when our daughter was just an infant. We loved the small, quiet dead-end street and the natural surroundings. In 2008, we were one of two families with children on our street. Since then, our quiet street has grown. We now have at least eight children under the age of 10, and the laughter of neighborhood children can be heard on any nice Duluth day.

Our street is now under the microscope. In the past, attempts have been made to purchase and develop the land around the neighborhood. The tens of acres have been bought and sold by various local realtors and developers, each time halted with the cost of providing utilities and road development. That cost has stopped development in the past. Now, we enter 2021. If the land is developed with your approval, will the cost of providing utilities and an expanded Vassar Street fall on the backs of the current residents?

We CANNOT develop this land. The development would change the nature of our neighborhood. Our small, quiet neighborhood will now become the ONLY access road to the proposed development. The re-zoning will move from just two 5-acre plots into whatever the planning committee recommends. Who knows how many homes will be built once the re-zoning is complete?

Vassar Street is narrow. In the winter, the hill from the base of Woodland heading up the street poses a problem for even the newest of tires. Now, imagine another 50 families trying to get home after work with this one access point? The entire road would need to be re-graded, to lessen the slope off of Woodland Avenue. Again, who will pay for this work? Will there be another access point to this development project? Where would it be located?

We understand the development and the need for increased housing in Duluth. While we would prefer to have this land completely vacant, we know we cannot stop the big money of the developers. However, we can, with your help, limit the number of homes built in our neighborhood.

Please visit our street and talk to us. We need your help. We can arrange a neighborhood meeting if that would be more convenient and efficient for your review of this project.

Sincerely,

Amy Galarowicz

115 Vassar Street

**PS. If you'd like to see the video footage of the young cow moose that sauntered down Vassar Street within the past month, we'd be happy to provide that to you. The wildlife in our neighborhood is incredible

Subject: Vassar/Woodland change

Dear Duluth Planning Commission - we are strongly opposed to the request to rezone property located at the east end of Vassar Street and an adjacent parcel to the north from Residential rural (RR-1) to Residential Traditional (R-1).

1. The owners of the property were well aware of the current zoning when the land was purchased.
2. The land has a direct impact on Amity creek. Any runoff is channeled down to the creek. Especially during the spring, there are many pools of water that form that support seasonal wildlife.
3. The land is very hilly. We anticipate for the developer to build, the land would significantly have to be modified.

We request that you all personally take the opportunity to walk this land so you get a definite idea of the impact of this requested zoning change. Please don't just consider the economic impact.

Please address this questions at the meeting - 1. What is the impact to Amnity Creek with this change?

2. Why is this land designated as rural residence in the first place?

One hundred years ago, Mayor Snively had the foresight to save green spaces in Duluth. It seems that currently there is not that same vision. We truly hope that is not true. You have the power to keep Duluth with wooded areas that are beneficial for all.

We ask respectfully that you vote no on this requested change.

Patti and Jeff Hallback

1810 Trail Drive

Dear Duluth Planning Commission-

I am writing in opposition to the proposed rezoning of the parcel of land at the east end of Vassar Street from RR-1 to R-1. As an adjacent property owner, I have large stake in the outcome of this decision. My objections to the rezoning are outlined below:

1. Change to neighborhood character. My husband and I moved to this neighborhood in 2009 after living in Duluth since 2000. We have lived in various neighborhoods throughout Duluth including Lakeside, Hillside, and Park Point. We specifically chose this block and neighborhood secondary to the large lot sizes, space between homes, the dead end road, wooded spaces, and lack of traffic. As our family has grown, we continued to choose to live here specifically as our oldest son was born with Down syndrome and has complex medical issues. The quiet neighborhood with low traffic volumes is a major concern in particular for our family to keep our son safe who has cannot safely navigate traffic and has been known to wander. Changing the zoning would substantially increase the amount of traffic on our street potentially putting our child at risk for injury or death.

The character of this street has been low density, low traffic, and quiet since we have purchased, with the expectation it would remain so with current zoning. Currently, there are 20 homes on this street. New zoning would potentially double or triple that number. This proposed change is not consistent with city development code 50-14 which aims to protect scale and character of communities when considering development. People choose to live here for the low density and wooded spaces and this proposed rezoning would substantially change that. The current zoning of RR-1, for which I have no objection, would not substantially change the overall character of the neighborhood at large and would still allow for development while keeping within city code.

2. Cost. At present, Vassar Street is approximately 21 feet wide. The amount of heavy equipment needed to put in a new subdivision would likely destroy the existing roadway. City code calls for new roadway construction at a minimum of 24 feet, up to 28 feet. Additionally, it is likely the road would need to be dug to provide adequate utilities and waterlines for the new subdivision at the increased density. The resulting assessment to existing neighbors is unconscionable. Our current block consists of mostly working and middle class families. There are several older residents on fixed incomes. The resulting assessment could effectively price several families out of being able to live in homes that have been theirs for decades. With skyrocketing housing prices throughout the city, current residents of the street may be forced to move far out of the community they have called home for decades. Additionally, property developers should not be allowed to profit off of the backs of residents who have lived here for decades.

3. Safety. Vassar Street is currently the only inlet into the proposed new subdivision. All other platted roads into the area off of Minneapolis and Woodland have existing structures. I have previously mentioned the size of Vassar Street. This has caused congestion for 2 way traffic since we have lived here, but is manageable with the existing density. An increase in density would create issues with visibility and increase risk of accident, particularly with the number of small children already present on this block.

The other unique feature of this road is the extreme grade uphill at the entrance. Every year, residents are stuck on this hill and need to be pushed out. It is impossible for 2 vehicles to be on this hill at the same time during winter. An increase in neighborhood density and traffic on this road would create a significant safety burden for existing residents. We have several medically complex residents on this block that ambulances have needed to be called for throughout the year. If access is blocked by increased traffic or vehicles stuck on this hill, the potential for delay of life saving care is real.

4. Wooded spaces. The wild spaces surrounding this potential development have been home to trail systems used by local residents for decades including hiking, mountain biking, and snowmobiling. Local hunters frequent this area for in town bow-hunting. The area directly below the proposed subdivision drains directly into Amity creek and subsequently the Lester River. The current property is home to large swaths of important wetland. This wooded area is an important corridor for wildlife that the residents of this neighborhood and all of Duluth prize. We have seen moose, bears, deer, fox, wolves, pine martins, and coyotes all pass through these woods. A large subdivision in this area would substantially impact the enjoyment of the surrounding area for residents, harm wildlife, and impact waterways and wetlands.

Please consider these very important factors in your upcoming decision and vote no to rezoning this important area.

Sincerely-

Jennifer Marksteiner

Dear Adam and members of the City Planning Commission,

Please send me information in regards to the potential development along Amity Creek off of Vassar Street, so that I can better understand it. But from what I understand now it should not proceed.

I would like to express concern about development of this beautiful natural area. A rezoning of this property allowing for densely populated homes would be inappropriate.

This area of Amity creek is long known as a beautiful natural spot within the city limits, providing respite for people from miles around. Please don't allow this to proceed. This is a valuable natural asset.

At this time, to increase needed housing, I would advise focusing on the area of the soon defunct Lester Park Golf Course. It is now ripe for proper development and if done well, Duluth could benefit.

But Duluth is a gem precisely because of its pockets of nature and this area off of Vassar is a fine example of that. It is one of the few places to still hear wood frogs. It is a beautiful ravine and it would be a shame to lose it. We can do better.

Sincerely,

David J Mast, MD

Dear Planning Commission:

The large wooded area off the end of Vassar street is now going before the planning commission to be rezoned from rr-1 to r-1. This would add a potential 50 to 80 homes above Woodland Avenue, and we want to voice that we do not approve for a number of reasons.

First, urban sprawl creates more pollution. As it stands, any residents who where to build homes on the Vassar Street property are going to have to have vehicles for transportation. No mass transportation currently runs on the upper side of Woodland.

Second, I seriously doubt there anything built will include affordable housing, which is the most urgent need we have in Duluth.

Third, the property is very close to major watershed areas of the Lester and Amity Rivers.

Fourth, Woodland, Calvary and Martin Roads are the main thoroughfares for Woodland, all of which are one lane each way. The current traffic is heavy during commuting hours.

Fifth, a large development in this area will impact the trails, wildlife. The wildlife corridor runs though the Vassar Street area

In closing, we are not opposed to some development. Specifically 3 to 5 homes built on the 15 acres. We are very opposed to a large tract of homes going in and the outcome of more unaffordable housing.

Sincerely yours,

Dennis and Kathleen Moe

Attention John Kelley,

I live in the neighborhood where a rezoning application has been proposed from RR-1 to R-1 at the end of Vassar St. in the Woodland neighborhood. I am strongly against this measure. I will state my concerns in the following paragraphs.

My first concern relates directly to the land itself. This is an amazing piece of wilderness within the city that is home to much wildlife. It is also a steep hillside that leads directly to Amity Creek. Building an R-1 development in this area would negatively affect the Amity Creek and destroy the habitat of many keystone species. It would strip away the beauty and put too many dwellings in an area not suited for this kind of development.

My second concern is for the current neighbors, my neighbors. This neighborhood is valued for its rural-edge of the city-quiet charm. As residents, we appreciate that our streets don't have a lot of traffic flowing through. Vassar street is not a big street and an increase in traffic to service a R-1 development during building phase and after would diminish the tranquil life that the current residents sought when choosing this neighborhood.

My third concern relates to access to a vibrant trail system that many local Duluthians have been using for years. The local neighbors have built and maintained a network of trails that are used for hiking, biking, Nordic skiing, snow shoeing, dog walking, snow mobiling, etc. This particular parcel of land being considered for rezoning has a trail head that allows those seeking recreation to access the local trails plus the Superior Hiking trail just across the Amity. My husband and I bought a home in this neighborhood 15 years ago specifically because of access to the trails right here within the city of Duluth. As neighbors, we grieve at the thought of losing access to this little wonderland in our back yards.

I am not against development, but let the development in this area be rural in nature...to preserve nature, for our generation and those to come.

Susan Krochalk

300 E. Chisholm St.

Duluth, MN 55803

Dear Adam and members of the City Planning Commission,

Please send me information in regards to the potential development along Amity Creek off of Vassar Street, so that I can better understand it. But from what I understand now it should not proceed.

I would like to express concern about development of this beautiful natural area. A rezoning of this property allowing for densely populated homes would be inappropriate.

This area of Amity creek is long known as a beautiful natural spot within the city limits, providing respite for people from miles around. Please don't allow this to proceed. This is a valuable natural asset.

At this time, to increase needed housing, I would advise focusing on the area of the soon defunct Lester Park Golf Course. It is now ripe for proper development and if done well, Duluth could benefit.

But Duluth is a gem precisely because of its pockets of nature and this area off of Vassar is a fine example of that. It is one of the few places to still hear wood frogs. It is a beautiful ravine and it would be a shame to lose it. We can do better.

Sincerely,

David J Mast, MD

We would like to provide comments on the proposed rezoning (PL 21-064) for the property located at the end of Vassar Street and an adjacent parcel to the north.

Our primary concern is to develop and maintain access to public lands and the Amity Creek corridor. This area is used extensively by local residents for hiking, access to the snowmobile trail system, and other outdoor pursuits. This access must be a consideration during rezoning decisions and during any development planning. Considerable effort was made during neighborhood planning meetings (perhaps 10 years ago?) to plan development that accommodated those needs. The results of that effort should be incorporated into decision-making. The potential loss of forest and green space is of further concern. These areas are important components of healthy neighborhoods.

The quality of life in this neighborhood largely depends on green spaces along with access to these areas and trail systems. It is imperative that this is maintained during any development. Thank you.

Darren and Jackie Vogt

325 E. Chisholm Street, Duluth, MN 55803

To the City of Duluth Planners:

We are concerned about Amity Creek:

This is in regards to the parcel of land about 15 acres in size owned by Edmunds Real Estate located at the end of Vassar St. in Duluth's Woodland neighborhood. This parcel is a heavily wooded hillside that leads directly to Amity creek, in fact, borders the creek. The owner is petitioning you to have it rezoned from RR-1 to R-1.

I happen to live in the neighborhood adjoining this parcel and I hike on trails in this area daily. I am concerned that this land is NOT an appropriate place to develop into a residential area due to proximity to Amity creek and slope of terrain leading directly to the creek. The trees will be clear cut for roadways and lots and the erosion and pollution will negatively impact this trout spawning area of the Amity that is part of this owner's parcel.

The neighbors are signing a petition to have this rezoning petition rejected. I am asking you, as an expert in the field, to consider the potential for long term damage that this development would cause to a vital creek in Duluth. Please protect the Amity. When we know better, we must do better. The creek can't speak for itself, we must do that.

I have written to MPCA and South St. Louis Soil and Water Conservation District regarding this matter.

Thank you for taking time to read this.

Sincerely,

Joel, Susan, Collin, and Rita Krochalk