



**Planning & Development Division**  
*Planning & Economic Development Department*

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580

[planning@duluthmn.gov](mailto:planning@duluthmn.gov)

<b>File Number</b>	PL 20-010	<b>Contact</b>	Chris Lee	
<b>Type</b>	UDC Map Amendment	<b>Planning Commission Date</b>	March 10, 2020	
<b>Deadline for Action</b>	<b>Application Date</b>	February 21, 2020	<b>60 Days</b>	April 21, 2020
	<b>Date Extension Letter Mailed</b>	February 25, 2020	<b>120 Days</b>	June 20, 2020
<b>Location of Subject</b>	108 East 6th Street			
<b>Applicant</b>	108 Lofts LLC	<b>Contact</b>	Michael Schraepfer	
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	See Attached Map			
<b>Site Visit Date</b>	February 26, 2020	<b>Sign Notice Date</b>	February 25, 2020	
<b>Neighbor Letter Date</b>	February 25, 2020	<b>Number of Letters Sent</b>	113	

**Proposal**

The applicant proposes rezoning to allow for expanded uses in an existing structure. The proposal is consistent with the Comprehensive Plan and the future land use.

**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-1/R-2	Former Nettleton School	Neighborhood Mixed Use
<b>North</b>	R-1/R-2	Residential	Traditional Neighborhood
<b>South</b>	R-2	Residential	Traditional Neighborhood
<b>East</b>	R-1	Residential	Traditional Neighborhood
<b>West</b>	R-2	Residential	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 Principle 5 - Promote reinvestment in neighborhoods.

New development or redevelopment should maximize public investment that strengthens neighborhood commercial centers or diversifies residential opportunities that fit the neighborhood's character. This site has the potential to diversify residential opportunities.

Governing Principle 8 - Encourage mix of activities, uses and densities

Mixed uses provide opportunity for a diversity of activity that segregated, uniform uses do not provide. This rezoning will allow for a mixture of uses in this location.

Future Land Use - 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.

History

The Nettleton School opened in 1907 to serve students on the hillside. The school was closed in 2013.

**Review and Discussion Items:**

- 1) The applicant proposes rezoning approximately 3.16 acres of previously developed land to be consistent with the Imagine Duluth 2035 Comprehensive Plan. This proposed rezoning allows a higher density of residential uses and small-scale commercial uses .
- 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) 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, services, and professional offices that provide goods and services to the residents of the surrounding neighborhood.
- 4) This specific rezoning action is in anticipation of redevelopment of the school into a multifamily structure, daycare, and accessory kitchen. A list of all allowed uses in the MU-N district is attached.
- 5) Based on the development pattern of adjacent areas and the purpose statement of the zone districts, rezoning as proposed in the attached map is appropriate for this area.
- 6) No public, agency, or City comments were received at this time of writing this staff report.

**Staff Recommendation:**

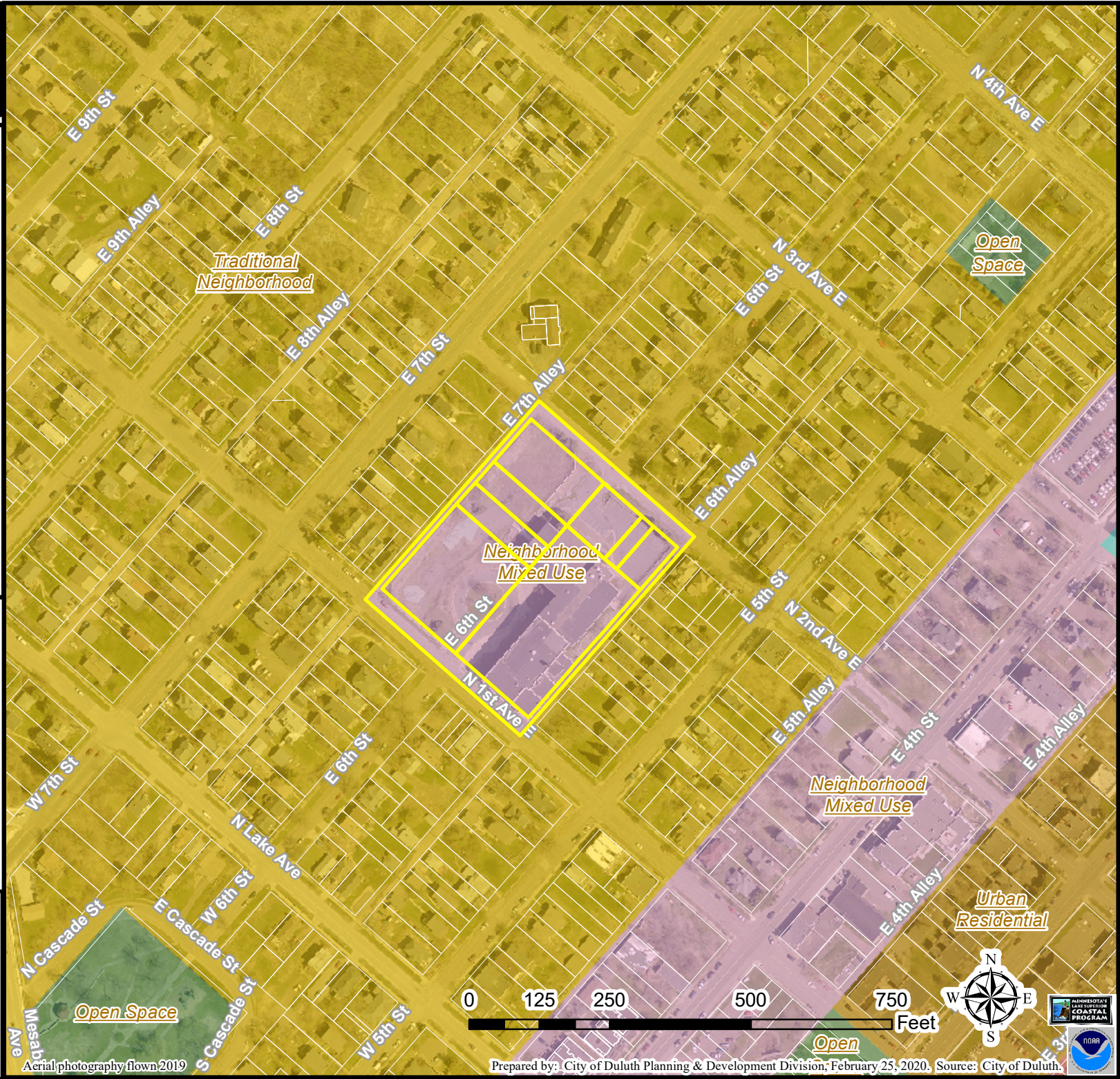
Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning as shown on the map titled Proposed Rezoning Area Map.

- 1) The proposed zone 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



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 2019

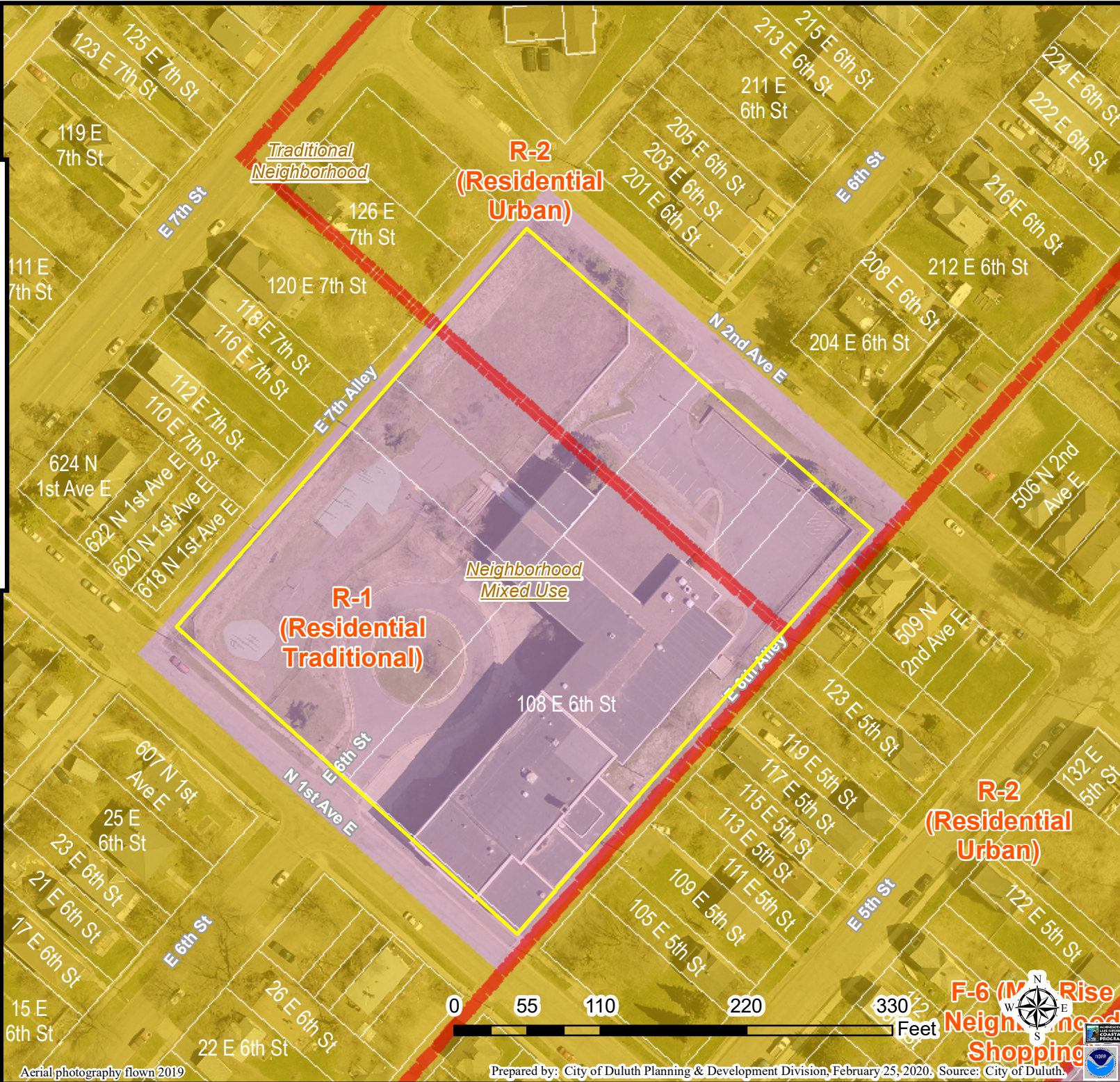
Prepared by: City of Duluth Planning & Development Division, February 25, 2020. Source: City of Duluth.



# Nettleton School Rezoning

## Legend

- Zoning Boundaries
- 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
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1/27/20

Revised: 2/19/20

Re: UDC Map Amendment (Rezoning) Worksheet  
108 E 6<sup>th</sup> St  
Duluth, MN 55805

Greetings,

This letter is to serve as a written narrative description of several items related to the project and application to rezone the property per city planners request at the Pre-Application meeting.

**Parcel ID Numbers:**

010-1030-00180, 010-1030-00230, 010-1030-01060, 010-1030-00240, 010-1030-00250, 010-1030-01121, 010-1030-01160, 010-1030-01180

**Legal Description:**

DULUTH PROPER 1ST DIVISION EAST 6TH STREET, LOTS 18 THRU 28 EVEN NUMBERED LOTS INC VAC ST ADJ. DULUTH PROPER 1ST DIVISION EAST 6TH STREET, Lots 17, 19, 21 AND 23, INCLUDING THAT PART OF VACATED EAST 6<sup>TH</sup> STREET ADJACENT. DULUTH PROPER 1ST DIVISION EAST 6TH STREET, S 56 FT LOTS 30 AND 32. DULUTH PROPER 1ST DIVISION EAST 6TH STREET, S 28 FT OF N 84 FT OF LOTS 30 AND 32. DULUTH PROPER 1ST DIVISION EAST 6TH STREET, UND 1/2 N 56 FT LOTS 30 & 32 INC VAC ST ADJ. DULUTH PROPER 1ST DIVISION EAST 6TH STREET, LOTS 29 AND 31 INC VAC ST ADJ. DULUTH PROPER 1ST DIVISION EAST 6TH STREET, LOT 27 INC VAC ST ADJ. DULUTH PROPER 1ST DIVISION EAST 6TH STREET, LOT 25 INC VAC ST ADJ.

**Current Use:**

The current use of 108 E 6<sup>th</sup> St, formerly known as the Nettleton Elementary School, is a vacant property that is deed restricted from returning to any form of future school use. This property has already been changed on the future land use map to be zoned to mixed use neighborhood which supports residential apartment housing.

**Description of the Project:**

We desire to move forward with the future land use map's intended direction and convert the property into an apartment building with a minor amount of mixed use neighborhood business occupancy. 90% of the building would comprise approximately 60-70 apartments. The mixed use neighborhood business use intention is for a 6,000 SQFT daycare facility on the west end of the building were the Head Start program formerly operated and a 2,000 SQFT use in the existing school kitchen space. This building is stately, partially historic and worth preserving. Given the neighborhood location of the building we believe our change of use at this property is the highest and best outcome for the community.

