



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 | PL18-095 | Contact | Jenn Moses, jmoses@duluthmn.gov | |
| Type | UDC Map Amendment | Planning Commission Date | September 11, 2018 | |
| Deadline for Action | Application Date | July 25, 2018 | 60 Days | September 23, 2018 |
| | Date Extension Letter Mailed | August 1, 2018 | 120 Days | November 22, 2018 |
| Location of Subject | 4610 W Arrowhead Rd, Duluth, MN | | | |
| Applicant | Lisa & Matt Mahoney | Contact | | |
| Agent | N/A | Contact | | |
| Legal Description | See attached | | | |
| Site Visit Date | August 1, 2018 | Sign Notice Date | July 30, 2018 | |
| Neighbor Letter Date | August 1, 2018 | Number of Letters Sent | 15 | |

Proposal

Rezone the remaining portion of 4610 W Arrowhead Road in the Duluth Heights neighborhood from RR-1 to MU-B so the parcel has one zoning designation and is consistent with adjacent properties.

| | Current Zoning | Existing Land Use | Future Land Use Map Designation |
|----------------|-----------------------|--------------------------|--|
| Subject | MU-B and RR-1 | Equipment dealership | Central Business Secondary |
| North | MU-C | Undeveloped | Business Park |
| South | RR-1 | Undeveloped, residential | Central Business Secondary |
| East | MU-C | Religious assembly | Central Business Secondary |
| West | MU-B | Office/contractor shop | Central Business Secondary |

Summary of Code Requirements

UDC Sec. 50-37.3. A: Any property owner may petition the planning commission to amend the district boundaries in which the property is located.

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.

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

Future Land Use – Central Business Secondary: An area adjacent to and supporting the primary central business area or a stand-alone area providing a similar mix of destination land uses but at a lower intensity than the primary CB area. Includes mixed regional and neighborhood retail, employment centers, public spaces, medium density residential, and public parking facilities

History: The 1980 Miller Hill Corridor Plan recommended this site as a rural residential designation. The subsequent Northwest Corner Study recommended this area as business park, with a greenbelt buffer to the east and medium density residential to the south. In 2002, applicant applied to rezone all 3.4 acres of land to M-1, but due to a desire for a buffer between this and surrounding properties, only 2.4 acres were rezoned (Ordinance 9569, PL 02-070). After adoption of the UDC in 2010, all property in the city was rezoned to new zone districts, and the M-1 zone designation was reclassified as MU-B.

The 2006 Comprehensive Land Use Plan identified the Future Land Use for the area as Auto-Oriented Commercial. With the recently adopted comprehensive plan, Imagine Duluth 2035, the Future Land Use category of Auto-Oriented Commercial was deleted, and the Future Land Use for this site was amended to Central Business Secondary.

Review and Discussion Items

Staff finds that:

- 1) 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.
- 2) Applicant is requesting to rezone to Mixed Use-Business. The intent of the MU-B district is to accommodate modern light industrial and technology-based developments of attractive integrated design and function. This district allows many of the uses suggested by the future land use category of Central Business Secondary.
- 3) While the zone district most closely aligned with the future land use designation is Mixed Use-Commercial, such a zone district would not align with the remainder of this property, which is zoned MU-B. Therefore, staff finds the MU-B zone district a reasonable continuation of the zoning designation that exists on the remainder of the property.
- 4) This request is reasonably related to the plan for future land use and to current use of the property.
- 5) As surrounding properties are zoned MU-B and MU-C, this zone designation will not result in adverse impacts.

Staff Recommendation

Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning, to be consistent with the attached exhibits, for the following reasons:

- 1) The rezoning is consistent with the comprehensive plan.
- 2) The proposed zone district is 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.



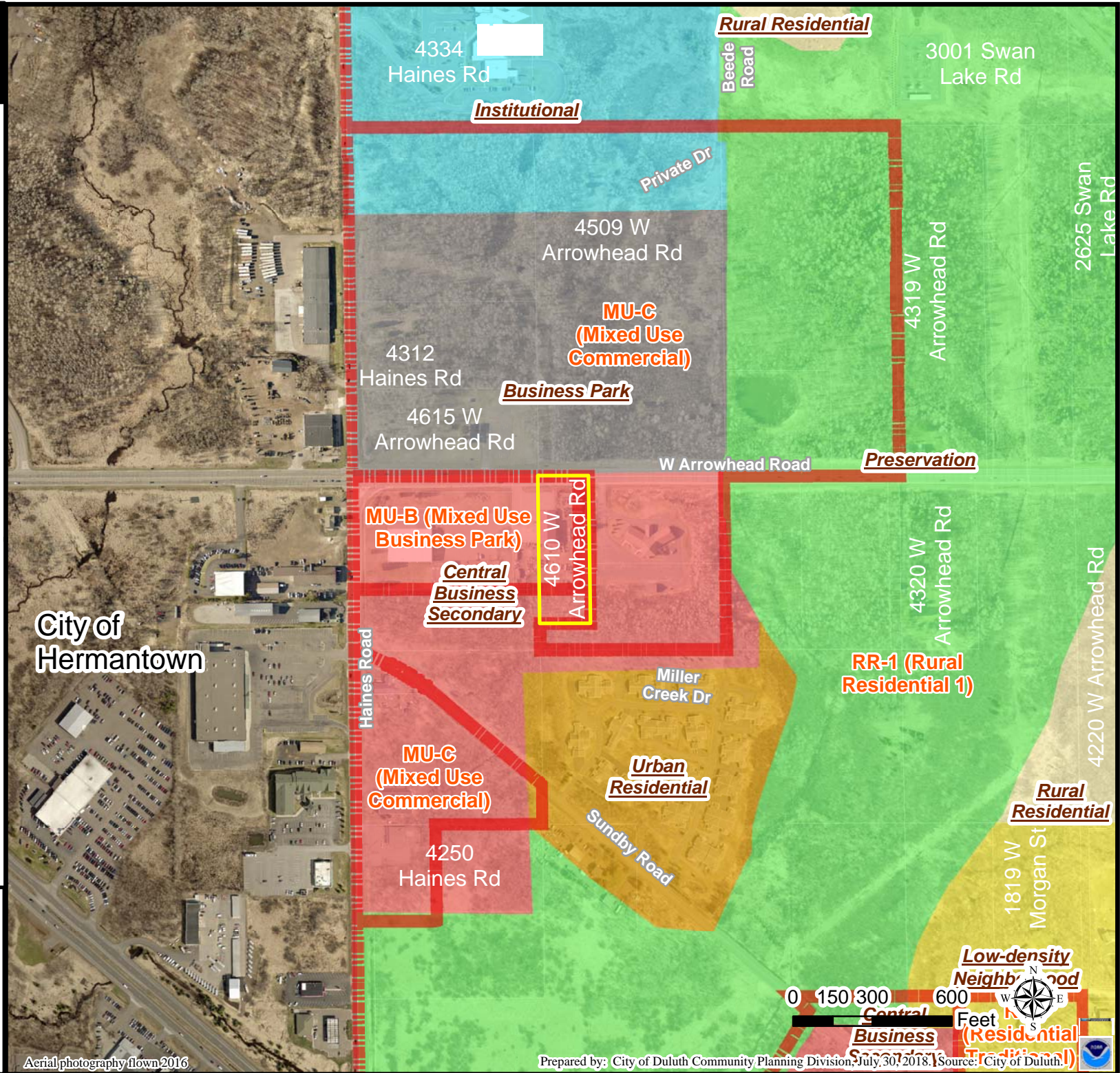
Legend

- + Zoning Boundaries
- Future Land Use**
- Preservation
- Preservation/Outside Duluth
- Recreation
- Recreation/Outside Duluth
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Auto Oriented 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

City of
Hermantown

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Aerial photography flown 2016





Legend

- Zoning Boundaries
- Gas Main
- Water Main
- Hydrant

Sanitary Sewer Mains

- CITY OF DULUTH
- WLSDD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station

Storm Sewer Mains

- Storm Sewer Pipe
- Storm Sewer Catch Basin

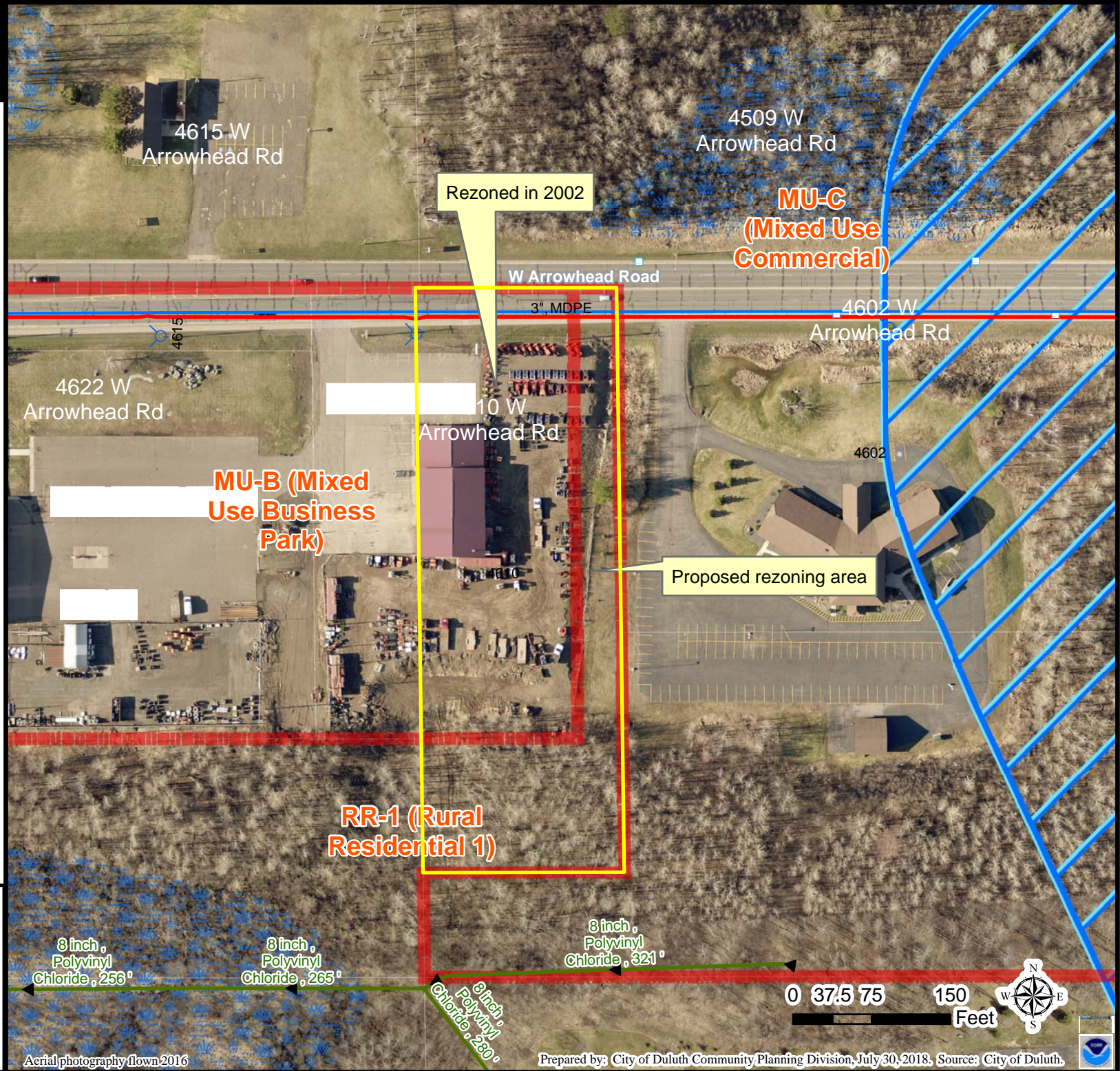
Floodplain (UDC)

- General Flood Plain
- Flood Way
- Flood Fringe

Shoreland (UDC)

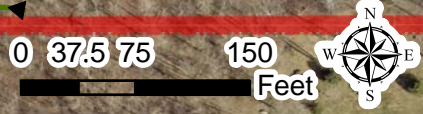
- Cold Water
- Natural Environment
- General Development
- Trout Stream (GPS)
- Other Stream (GPS)
- Wetlands (NRR)

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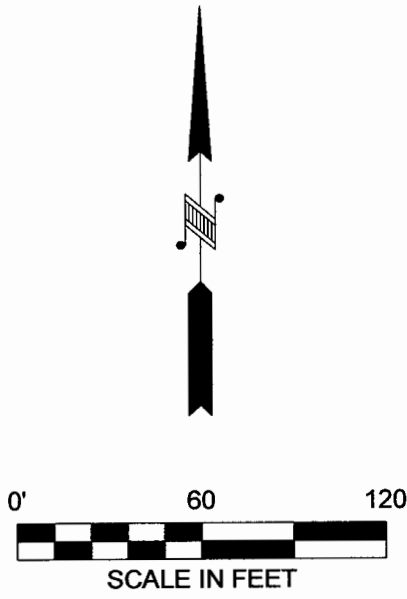
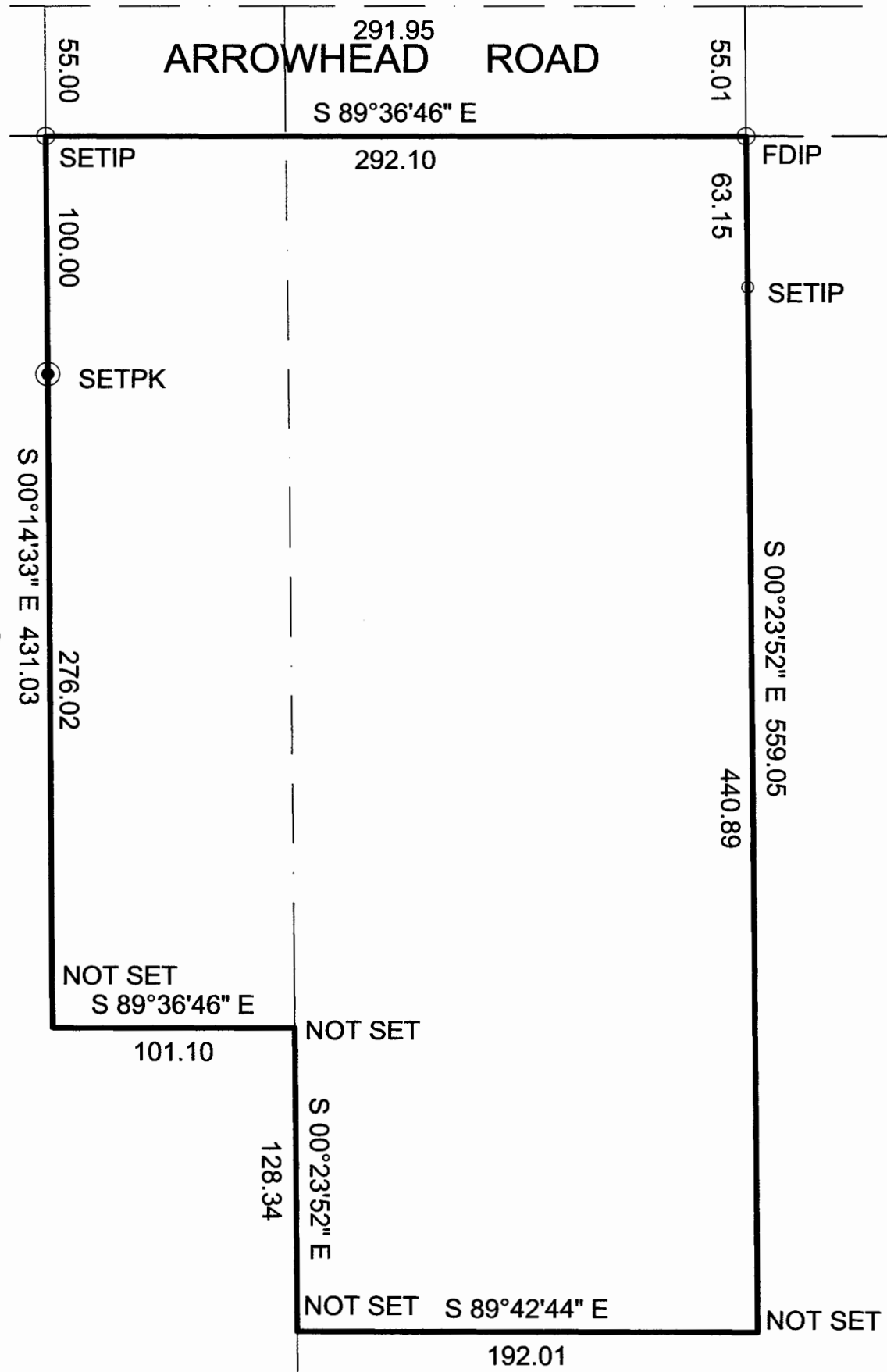
Aerial photography flown 2016

Prepared by: City of Duluth Community Planning Division, July 30, 2018. Source: City of Duluth.



CERTIFICATE OF SURVEY FOR: MATT MAHONEY

S 89°36'46" E



LEGAL DESCRIPTION

The North 431.00 feet of the Northwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 18, Township 50, Range 14, EXCEPT the Westerly 602.35 feet thereof.

Also the Westerly 192.00 feet of the Northeast Quarter of the Northwest Quarter of the Northwest Quarter Section 18, Township 50, Range 14 EXCEPT the Southerly 100.00 feet thereof, all in St. Louis County Minnesota.

THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY RON KRUEGER, LAND SURVEYOR.

DATE: 6/28/18
SCALE: 1 IN = 60 FEET
PROP ADD: ARROWHEAD ROAD
PROJECT NO: 18-05

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Date: 6-28-18

Ronald L. Krueger MN License No. 14374

RON KRUEGER
Land Surveyor
7066 HIGHWAY 8
SAGINAW, MN 55779
Phone: 218-390-4030

Site Photos

4610 W Arrowhead Rd

