



CITY OF DULUTH
Community Planning Division

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File Number	PL 17-161		Contact	Steven Robertson	
Type	UDC Map Amendment, Rezone, from I-G to MU-W		Planning Commission Date	November 14, 2017	
Deadline for Action	Application Date	N/A, City Action		60 Days	N/A, City Action
	Date Extension Letter Mailed	N/A, City Action		120 Days	N/A, City Action
Location of Subject					
Applicant	City of Duluth, Community Planning		Contact		
Agent	N/A		Contact		
Legal Description					
Site Visit Date	October 30, 2017		Sign Notice Date	October 30, 2017	
Neighbor Letter Date	October 24, 2017		Number of Letters Sent	17	

Proposal

The City is proposing to rezone properties in Riverside near the general area of the Spirit Cove Marina, at the end of Spring Street, from Industrial-General (I-G) to Mixed Use-Waterfront (MU-W), in conformance with the Comprehensive Plan's Future Land Use Map.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	I-G	Marina	Commercial Waterfront
North	I-G	Industrial (Tate and Lyle)	Commercial Waterfront/Preservation
South	N/A (Open Water)	N/A (Open Water)	N/A (Open Water)
East	N/A (Wisconsin)	N/A (Wisconsin)	N/A (Wisconsin)
West	R-1	Residential	Residential-Traditional

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.

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

Future Land Use Designation, Commercial Waterfront: Waterfront-dependent commercial uses, sometimes mixed with residential or adjacent to higher density residential. Includes tourist- or recreation-oriented uses. Commercial areas can be adjacent to industrial waterfront. Abuts other commercial uses and recreation areas, preservation areas. Access to regional arterial traffic and water access.

Governing Principle #5 - Strengthen neighborhoods. The present city is an historical amalgam of villages and other independent units of government, contributing to the present condition of Duluth being strongly defined by its neighborhoods. This condition should be reinforced through land use, transportation and public service delivery patterns which strengthen neighborhood identity. New institutional expansions, major public infrastructure or large commercial or industrial uses should not divide historic neighborhood patterns.

Recent History: Prior to the adoption of the UDC in November 2010, most of the subject area was zoned M-2, Manufacturing District. Included with this staff report is a zoning map from the Duluth Zoning Regulations, 1981.

A small area plan of the Riverside area was adopted in October 2015; one of the recommendations of that small area plan is to "Promote mixed land uses that provide recreational synergies between commercial and residential land uses".

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) The proposed rezoning area has a future land use designation of Commercial Waterfront, which translates into the Unified Development Chapter's Mixed Use-Waterfront (MU-W) zoning district. The entire rezoning area is currently zoned Industrial-General, I-G. About half of this area is used for the Spirit Lake Marina, and the other half is vacant of an active land use; the very western portion of this area has floodplains and wetlands and development /disturbance is not expected nor encouraged in those sensitive areas. The Lyle and Tate (food products manufacturer) to the NE of this site is zoned I-G, but is not part of this rezoning action.
- 4) The purpose of the I-G district is to provide for general- to heavy- impact industrial, processing, assembly, fabrication and manufacturing uses. Office uses are allowed provided they are clearly incidental to and supportive of on-site industrial uses. The district is intended primarily for locations close to major transportation corridors and active commercial centers. This district should be located away from residential development.
- 5) The MU-W district is intended to provide for waterfront-dependent commercial uses and medium to high density residential development. Intended non-residential uses include visitor-related retail and services, lodging, recreational facilities and maritime uses, as well retail and service uses that take advantage of the waterfront setting. Development may include horizontal or vertical mixed use, and should facilitate transit and pedestrian connections between developments and the surrounding areas and community

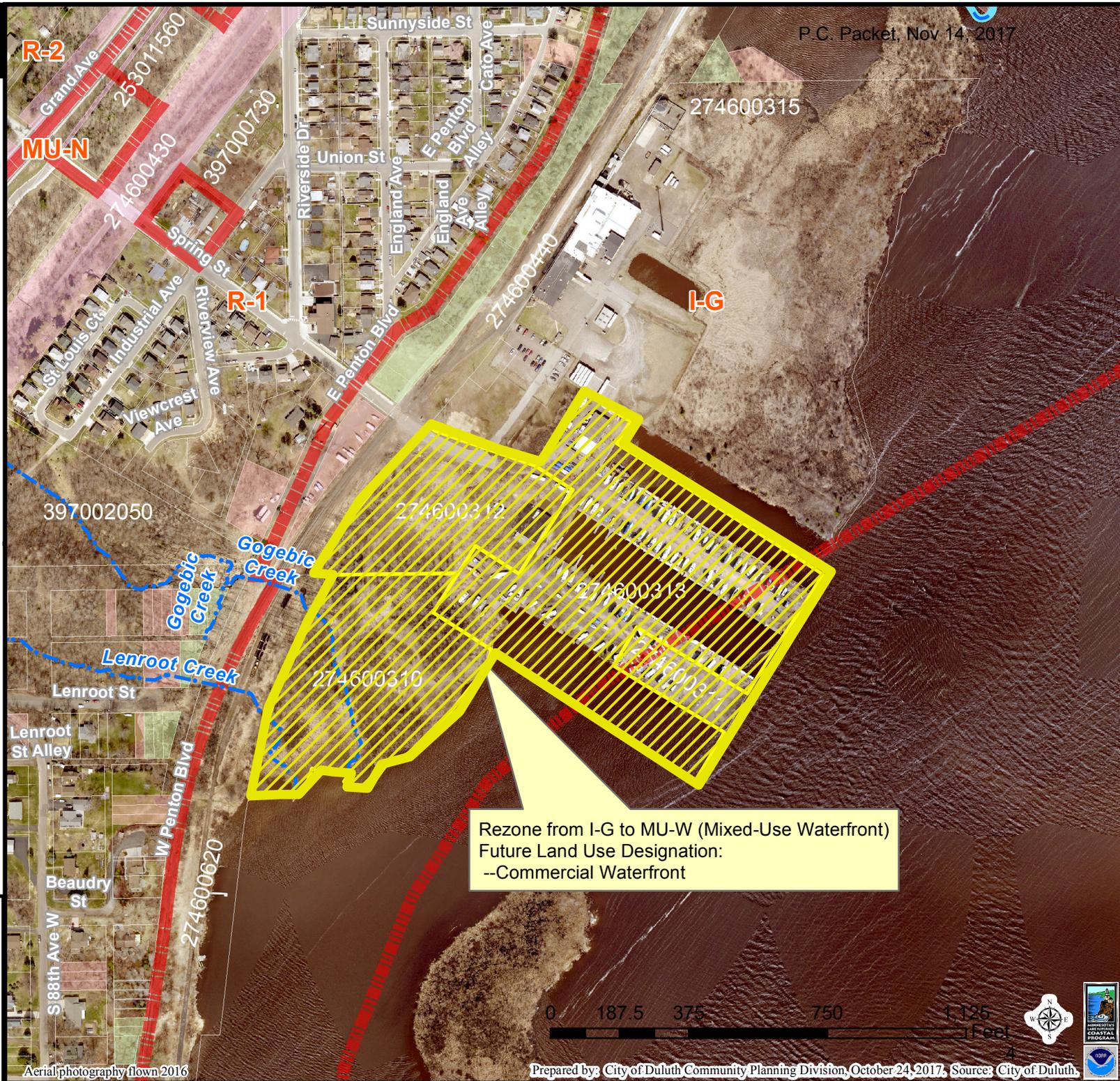
6) Based on the future land use designation, character and development history of this neighborhood and the purpose statements of the I-G and MU-W zone districts, rezoning as proposed in the attached map titled Attachment 1 Exhibit, is appropriate for this neighborhood.

7) The city, as of the date this was written, has received no formal written comments nor phone calls 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.



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



Site Map

P.C. Packet, Nov 14, 2017

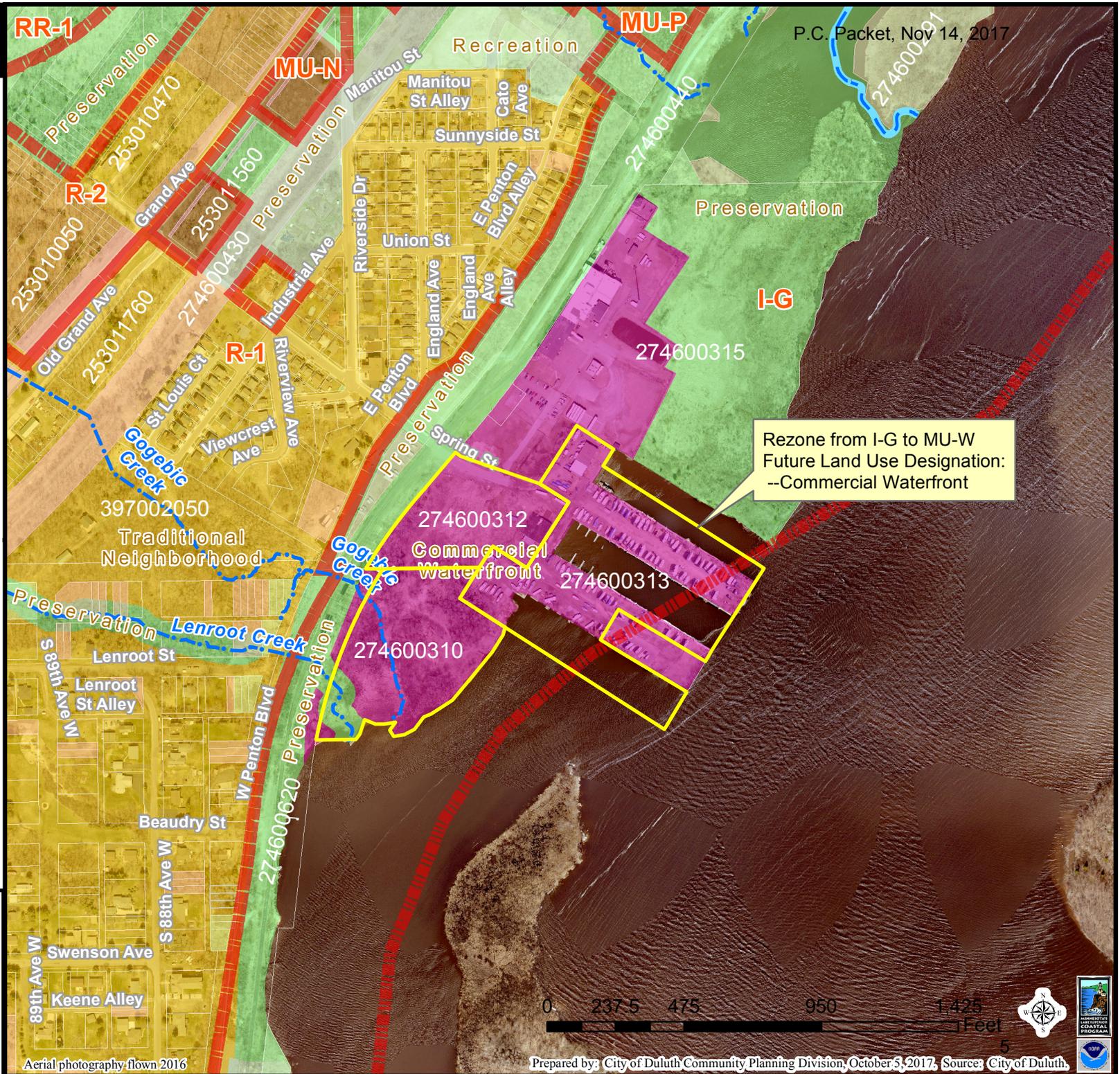
Legend

- 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

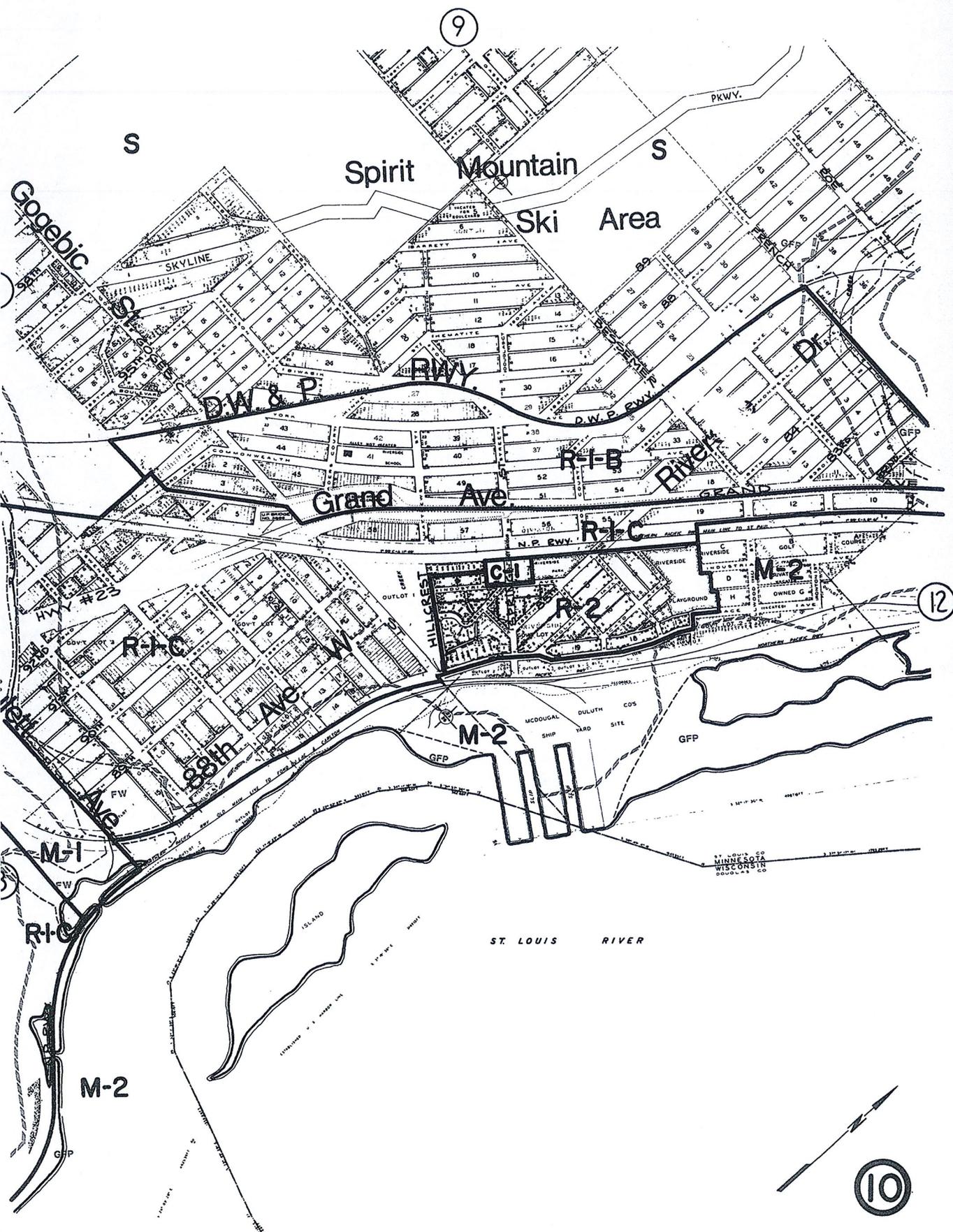
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Rezone from I-G to MU-W
 Future Land Use Designation:
 --Commercial Waterfront

Aerial photography flown 2016





Red indicates approximate area subject to Flood

Uses Allowed in Industrial-General (I-G) Zone District Revised September 25, 2017

Permitted Uses

- Adult entertainment establishment
- Data center
- Funeral home or crematorium
- Mini-storage facility
- Personal service and repair, large (10,000 sq. ft. or more)
- Adult book store
- Automobile and light vehicle repair and service
- Automobile and light vehicle sales, rental, or storage
- Filling station
- Parking lot (primary use)
- Parking structure
- Truck or heavy vehicle sales, rental, repair, or storage
- Contractor's shop and storage yard
- Dry cleaning or laundry plant
- Research laboratories
- Industrial services
- Manufacturing, craft, brewery or distillery
- Manufacturing, light
- Manufacturing, heavy
- Airport and related facilities
- Railroad yard or shipyard and related facilities
- Truck freight or transfer terminal
- Electric power or heat generation plant
- Solar, geothermal, or biomass power facility (primary use)
- Water or sewer treatment facilities
- Wind power facility (primary use)
- Recycling collection point (primary use)
- Storage warehouse
- Wholesaling
- Bulk storage not listed elsewhere

Special Uses

- Government building or public safety facility
- Manufacturing, hazardous or special
- Mining, extraction and storage
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Radio or television broadcasting tower
- Water or sewer pumping stations/reservoirs
- Junk and salvage services
- Solid waste disposal or processing facility

Interim Uses

- Medical cannabis distribution facility
- Medical cannabis laboratory
- Medical cannabis manufacture

Uses Allowed in Mixed Use-Waterfront (MU-W) Zone District Revised September 25, 2017

Permitted Uses

- | | |
|--|--|
| <ul style="list-style-type: none"> - Dwelling, townhouse - 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 - Medical or dental clinic - Nursing home - Veterinarian or animal hospital - Convention or event center - Indoor entertainment facility - Restaurant (less than 5,000 sq. ft.) - Restaurant (5,000 sq. ft. or more) | <ul style="list-style-type: none"> - Theater - Hotel or motel - Bed and breakfast - Seasonal camp or cabin - Office - Marina or yacht club - 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.) - Personal service and repair, large (10,000 sq. ft. or more) - Grocery store, small (less than 15,000 sq. ft.) - Retail store not listed, small (less than 15,000 sq. ft.) - Retail store not listed, large (15,000 sq. ft. or more) - Filling station - Parking lot (primary use) - Parking structure |
|--|--|

Special or Interim Uses

- | | |
|---|---|
| <ul style="list-style-type: none"> - Riding stable - Bank - Data center - Recreational Vehicle Park - Other outdoor entertainment or recreation use not listed | <ul style="list-style-type: none"> - Electric power transmission line or substation - Major utility or wireless telecommunication facility - Water or sewer pumping stations/reservoir |
|---|---|