



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

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<b>File Number</b>	PL 19-167	<b>Contact</b>	Steven Robertson	
<b>Type</b>	Rezone from R-C to I-G	<b>Planning Commission Date</b>	December 10, 2019	
<b>Deadline for Action</b>	<b>Application Date</b>		<b>60 Days</b>	N/A City Application
	<b>Date Extension Letter Mailed</b>	N/A	<b>120 Days</b>	N/A
<b>Location of Subject</b>	Becks Road (Midway Annexation Area)			
<b>Applicant</b>	City of Duluth	<b>Contact</b>	Planning and Development	
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	See Attached Map			
<b>Site Visit Date</b>	November 25, 2019	<b>Sign Notice Date</b>	November 25, 2019	
<b>Neighbor Letter Date</b>	November 25, 2019	<b>Number of Letters Sent</b>	13	

**Proposal**

The City is proposing to rezone property from the current zoning of Residential-Conservation (R-C), to Industrial-General (I-G).

**Staff Recommendation**

Staff is recommending approval of the proposed rezoning to I-G.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-C	Industrial, Excavation	General Industrial
<b>North</b>	Midway Township	Residential, Undeveloped	
<b>South</b>	R-C	Residential, Undeveloped	Open Space
<b>East</b>	R-C	Undeveloped	Open Space
<b>West</b>	R-C	Undeveloped	Open Space

**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 8 - Encourage mix of activities, uses and densities

Cities have evolved as a mix of land uses, building types, housing types, and activities. Accommodating choice while protecting investment is a balance to strike in land use regulation. Mixed uses provide opportunity for a diversity of activity that segregated, uniform uses do not provide

### Future Land Use

Industrial General- Areas for manufacturing, processing, and other activities that may have off-site impacts and are generally isolated or buffered from other uses. Sites should have direct access to major regional transportation facilities and other infrastructure.

### Site History or Previous Studies

The Imagine Duluth 2035 Comprehensive Land Use Plan was adopted on June 25, 2018. The plan recommended 21 changes to the future land use plan. This area is addressed as Midway Annexation (Site 1) "The areas subject to this change were brought into the city from Midway Township as part of the City and Township's orderly annexation agreement. The majority of the lands are in public ownership and are designated Open Space. Lands along Becks Road, which provides a strong connection to Interstate 35, are designated General Industrial. This reflects existing heavy industrial land uses, including gravel mining and cement and asphalt production."

On September 23, 2019, the City Council approved a rezoning from RR-1 to MU-B for Becks Road, designated as Site 2 in the Land Use Chapter of Imagine Duluth 2035.

## **Review and Discussion Items:**

- 1) The City is proposing to rezone property from the current zoning of Residential-Conservation (R-C), to Industrial-General (I-G), in conformance with the future land use map.
- 2) Prior to the adoption of the Imagine Duluth 2035 Plan, this area had no future land use designation. When it was annexed into the city, this entire area was zoned R-C, as per UDC 50-13.4.F, which requires that all territory annexed to the city after November 19, 2010, shall be automatically classified as R-C, until a different zone district is assigned by council
- 3) 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. The future land use category of General Industrial is reflected in the City's zoning map as I-G. Other criteria for zoning may include considering existing land use patterns and if the rezoning is related to the needs to the community or existing land use.
- 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) Based on the development pattern of adjacent areas and the purpose statement of I-G zone district, rezoning as proposed in the attached map is appropriate for this area.
- 6) No written correspondence has been received as of the date that this memo was printed (December 2, 2019). An optional public information meeting is scheduled for the evening of December 5, and comments or questions from the public are anticipated at that meeting.

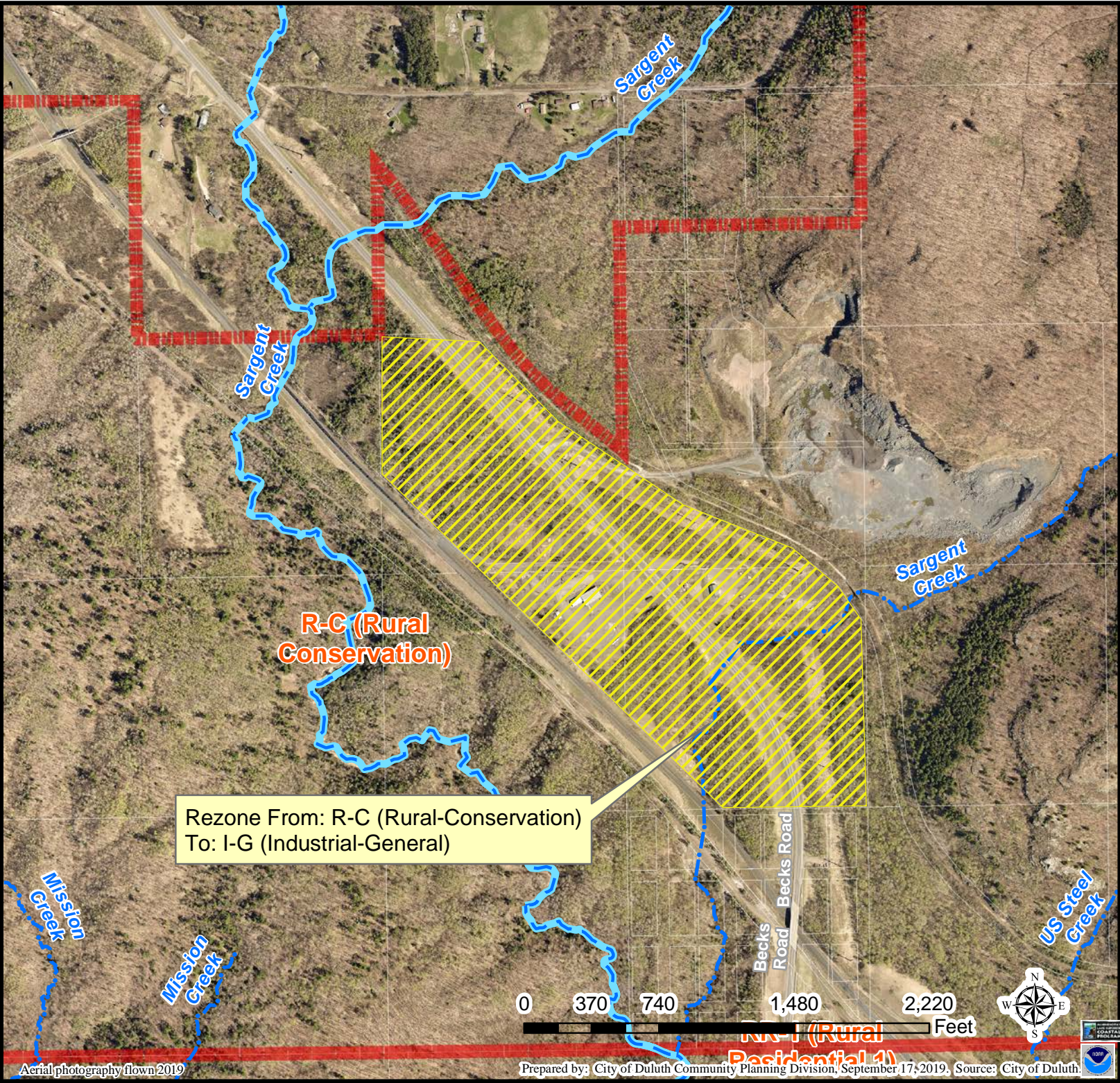
**Staff Recommendation:**

Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning to I-G, Industrial General.

- 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.

**Legend**

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



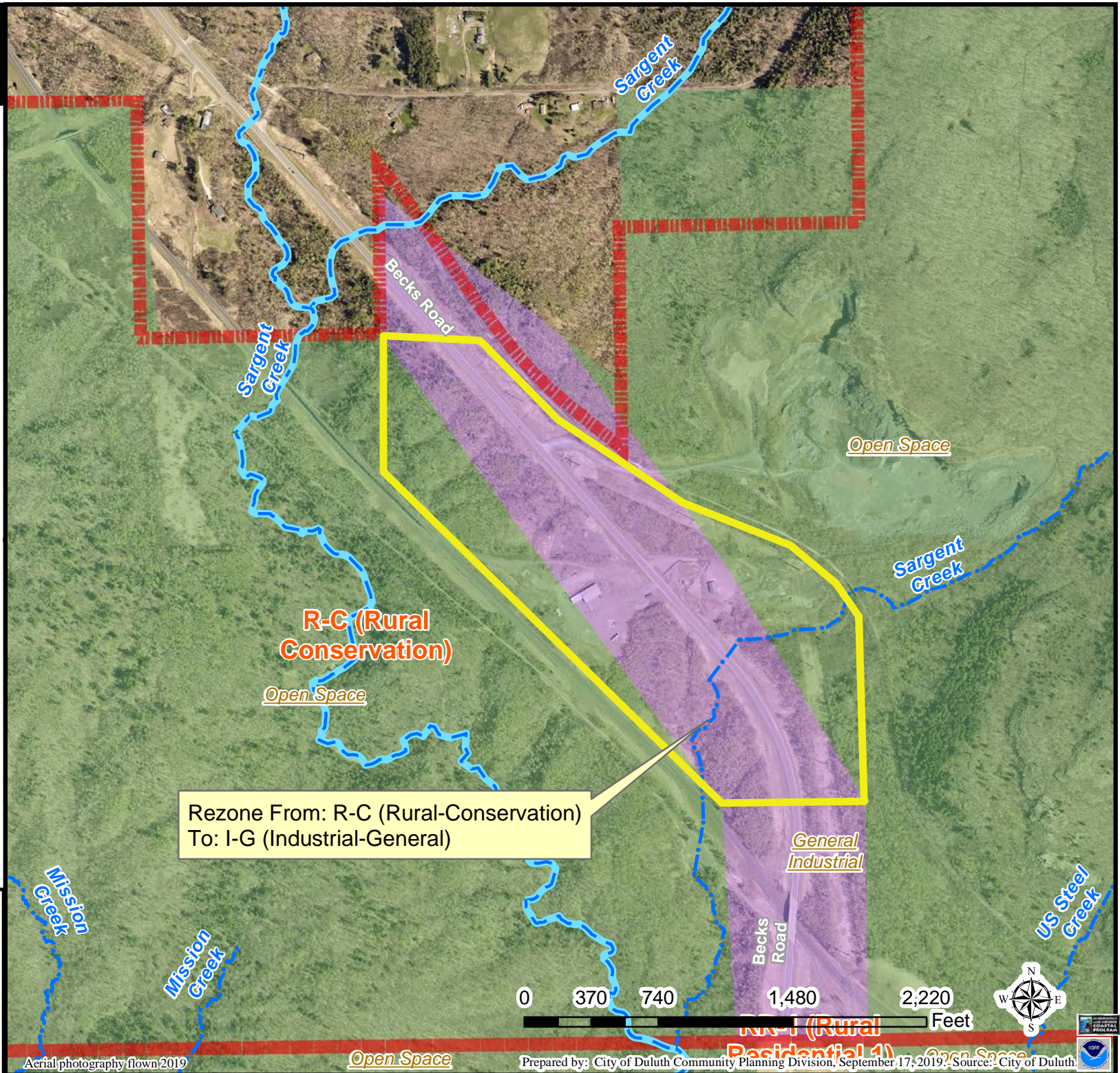
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**R-1 (Rural Residential 1)**



### Legend

- Zoning Boundaries
- 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



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# Becks Road



05/04/2019 - 05/20/2019

waterfront-related uses. Given these similarities, in the future these categories should be evaluated to determine if combining them is desirable. The boom in craft manufacturing and artisan spaces further supports a blending of industrial and commercial areas. The resulting land use category should encourage a variety of water dependent uses, preserve necessary industrial areas, and promote public water access.

**Form Districts**—The 2006 Comprehensive Land Use Plan called for form-based guidelines in the Central Business Primary and Central Business Secondary areas, as well as in some Urban Residential and Traditional Neighborhood areas. The study done as part of the UDC creation in 2009-2010 further defined and mapped form district areas, including some (but not all) of the Central Business Primary and Central Business Secondary areas, and Neighborhood Commercial and Mixed Use Neighborhood. The Future Land Use categories and map should be amended to clarify those areas designated for form districts and to better align with the UDC. In addition, it should include an analysis of streetscape and form type that is being identified for the area.

## Map Amendments

In addition to changes to the categories as mentioned above, Imagine Duluth 2035 amends the Future Land Use Map as follows:

### Midway Annexation (Site 1)

The areas subject to this change were brought into the city from Midway Township as part of the City and Township’s orderly annexation agreement. The majority of the lands are in public ownership and are designated Open Space. Lands along Becks Road, which provides a strong connection to Interstate 35, are designated General Industrial. This reflects existing heavy industrial land uses, including gravel mining and cement and asphalt production.

### Becks Road (Site 2)

The area along Becks Road is changed from Preservation to Business Park. Much of this area is currently owned by the State of Minnesota due to tax forfeiture. It is in close proximity to the demolition landfill and has good access to Becks Road, as well as water and sewer infrastructure.

## Becks Road & Commonwealth Ave Intersection (Site 3)

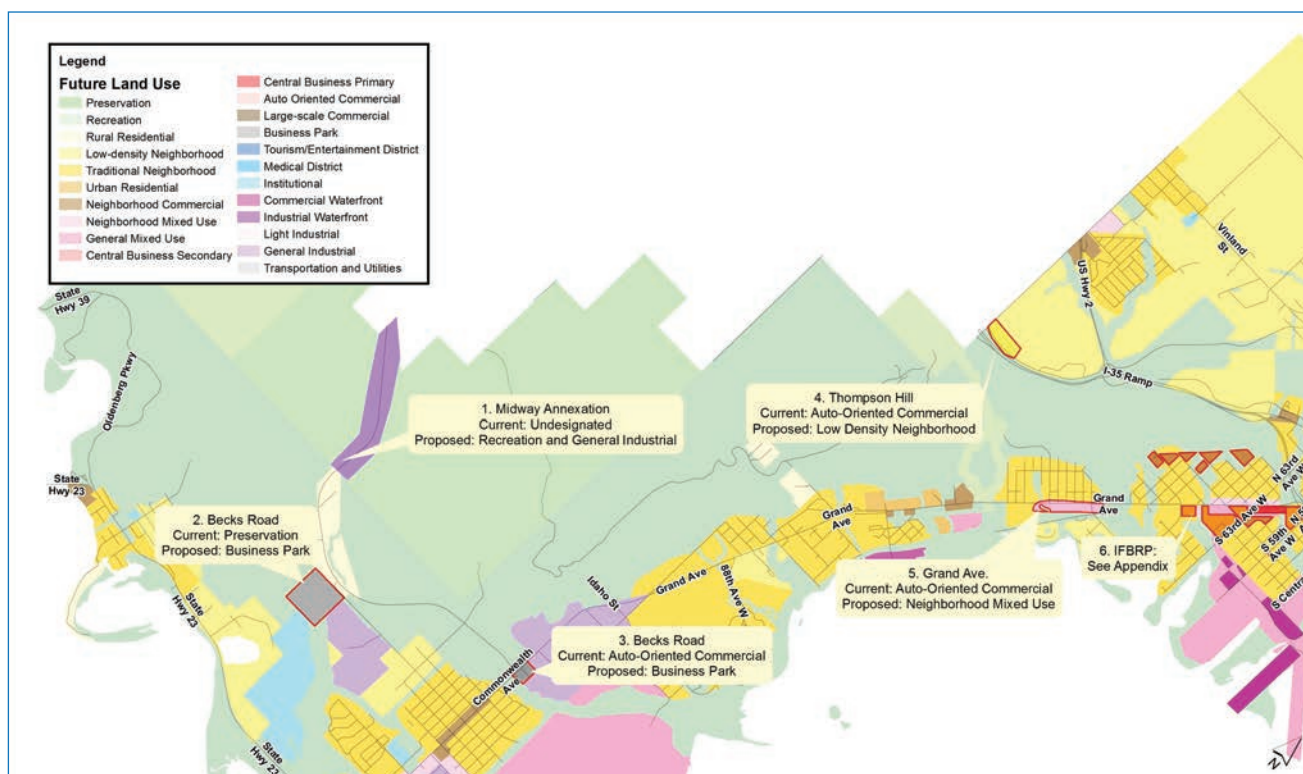
In this location, lands were previously designated for Auto-Oriented Commercial uses. This area is now designated for Business Park development, which is intended for job-intensive uses.

## Thompson Hill (Site 4)

This site changes from Auto-Oriented Commercial to Low Density Neighborhood. The change is based on the availability of utilities and consistency between this area and other lands immediately to the north. This area of the city is part of the Kingsbury Creek and Knowlton Creek watersheds; low intensity uses are appropriate.

## Grand Avenue (Site 5)

This changes from Auto-Oriented Commercial to Neighborhood Mixed Use. Change to neighborhood oriented commercial activities will allow for redevelopment of sites serving the residential area on the uphill side of Grand Avenue. Neighborhood oriented uses are most appropriate, allowing higher intensity commercial activities to be located in the Core Investment Areas to the east and west of this area of the city.





## Uses Allowed in Industrial-General (I-G) Zone District Revised January 2019

### 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 Rural-Conservation (R-C) Zone District  
Revised January 2019

Permitted Uses

- |                                       |  |
|---------------------------------------|--|
| - Dwelling, one-family                | - Agriculture, general                   |
| - Park, playground, or forest reserve | - Seasonal camp or cabin                 |
| - Agriculture, community garden       | - Day care facility, small (14 or fewer) |

Special or Interim Uses

- |                                   |  |
|-----------------------------------|--|
| - Cemetery or mausoleum           | - Electric power transmission line or substation       |
| - Kennel                          | - Major utility or wireless telecommunication facility |
| - Riding stable                   | - Water or sewer pumping stations/reservoirs           |
| - Veterinarian or animal hospital |  |
| - Recreational Vehicle Park       |  |
| - Airport and related facilities  |  |

Google Maps Becks Rd

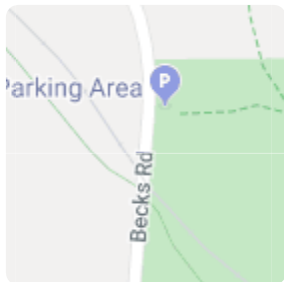


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Street View - Oct 2012



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