



CITY OF DULUTH

Planning Division

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STAFF REPORT

File Number	PL 15-172	Contact	John Kelley, jkelley@duluthmn.gov	
Application Type	UDC Map Amendment	Planning Commission Date	December 8, 2015	
Deadline for Action	Application Date	N/A	60 Days	N/A
	Date Extension Letter Mailed	N/A	120 Days	N/A
Location of Subject	Property zoned Industrial Waterfront including Corp of Engr, U.S. Coast Grd and the Army Rsv facilities			
Applicant	City of Duluth	Contact	John Kelley, jkelley@duluthmn.gov	
Agent	City of Duluth, Planning Division	Contact	John Kelley, jkelley@duluthmn.gov	
Legal Description	See attached parcel list			
Site Visit Date	November 25, 2015	Sign Notice Date	November 24, 2015	
Neighbor Letter Date	N/A	Number of Letters Sent	N/A	

Proposal

Rezoning the U.S. Corps of Engineer and U.S. Coast Guard property along Minnesota Avenue and St. Louis Avenue, and the U.S. Army Reserve Facility property at the end of 15th Street South and St. Louis Avenue from the current zoning district of Industrial-Waterfront (I-W) to Mixed Use-Waterfront (MU-W).

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	I-W	Undeveloped	Trans & Utilities, Institutional
North	MU-W	Hotel, Marina	Commercial Waterfront
South	R-2	Apartment Building	Institutional
East	R-1	Homes	Traditional Neighborhood
West	I-W	Superior Bay	N/A

Summary of Code Requirements (reference section with a brief description):

- 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.

II. B-1

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

Future Land Use:

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.

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

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 else be considered arbitrary and capricious.

2.) The area to be rezoned was identified in the Park Point Small Area Plan for an amendment to the Comprehensive Land Use Plan - Future Land Use Map and for a zoning designation that would be consistent with the land use category. The Comprehensive Land Use Plan - Future Land Use Map was amended by City Council per resolution 14-0261R to a land use category of Commercial Waterfront.

3.) Good zoning practice requires that zone districts be consistent with the future land use category identified for the area. 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. The proposed rezoning to MU-W is consistent with the future land use map designation of Commercial Waterfront and is reasonably related to the existing land use.

4.) No public, agency, or City comments have been received.

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, staff recommends that Planning Commission recommend approval of the UDC Map Amendment, for the following reasons:

- 1.) This proposal is consistent with the Comprehensive Land Use Plan.
- 2.) The proposed MU-W zone district is consistent with the future land use category of Commercial Waterfront.
- 3.) Material adverse impacts on nearby properties are not anticipated.

B-2

Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)



City Planning

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Rezoning I-W to MU-W
Zoning Map

Legend

Zoning Boundaries

Zoning Boundaries



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Aerial photography from 2013

Prepared by: City of Duluth Planning Division, June 3, 2014. Source: City of Duluth.



City Planning

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Rezoning I-W to MU-W

FLU Map

Legend

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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Aerial photography flown 2013

Prepared by: City of Duluth Planning Division, June 3, 2014, Source: City of Duluth.

Parcels to be Rezoned from I-W to MU-W

010-4390-01995	010-4400-01850	010-4390-02470
010-4390-02000	010-4400-02160	010-4400-00990
010-4400-00620	010-4400-02230	010-4400-01020
010-4400-00650	010-4400-02280	010-4400-01030
010-4400-00660	010-4390-02300	010-4400-01060
010-4400-00690	010-4390-02370	010-4400-01120
010-4400-01520	010-4390-02430	010-4400-01130
010-4400-01780	010-4390-02440	010-4400-01140
010-4400-01790	010-4390-02450	010-4400-01150
010-4400-01820	010-4390-02460	010-4400-01160