



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 21-094	Contact	John Kelley	
Type	Rezone from R-1 to F-2	Planning Commission Date	July 13, 2021	
Deadline for Action	Application Date	June 8, 2021	60 Days	August 7, 2021
	Date Extension Letter Mailed	June 16, 2021	120 Days	October 6, 2021
Location of Subject	4731 Gladstone Street			
Applicant	Lakeside Lodge #281	Contact	On file	
Agent	Gary E. Hage	Contact		
Legal Description	See Attached Map			
Site Visit Date	June 23, 2021	Sign Notice Date	June 29	
Neighbor Letter Date	June 18, 2021	Number of Letters Sent	43	

Proposal

Rezone property from the current zoning of Residential-Traditional (R-1) to Low-Rise Neighborhood Mix (F-2).

Staff Recommendation

Staff recommends approval of the proposed rezoning to F-2.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Masonic Lodge	Neighborhood Commercial
North	R-1	Residential	Neighborhood Commercial
South	F-2	Commercial	Neighborhood Commercial
East	F-2	Bank	Neighborhood Commercial
West	R-1	Residential	Neighborhood Commercial

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 ... 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

The following Imagine Duluth 2035 Governing Principle(s) should be considered when reviewing the request:

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

Neighborhood Commercial - Small- to moderate-scale commercial, serving primarily the adjacent neighborhood(s). May include specialty retail; community-gathering businesses such as coffee shops or lower intensity entertainment; offices; studios or housing above retail (storefront retail with vertical mixed use). Typically situated in or adjacent to residential neighborhoods. May transition to neighborhood mixed use.

Site History or Previous Studies

Masonic Lodge – Fraternal Hall built in 1922 and is approximately 6,500 square feet in size.

Review and Discussion Items:

- 1) The property owner is requesting that the city rezone 4731 Gladstone Street from the current zoning of Residential-Traditional (R-1) to Low-Rise Neighborhood Mix (F-2).
- 2) The future land use designation of this area is Neighborhood Commercial, adjacent to Urban Residential. Areas with Neighborhood Commercial future land use designation are typically zoned for mixed use such as form districts (F-2) or could accommodate a mixed use district such as MU-N (Mixed Use Neighborhood).
- 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. 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 character of this immediate area is generally residential on the north and west sides, and commercial on the east and south sides in close proximity to East Superior Street. Immediately to the south of this property is a chiropractor office and to the east is a Bank, and north and west is residential. Small- to moderate-scale commercial, serving primarily the adjacent neighborhood, is consistent with the future land use and with the character of the neighborhood in proximity to existing like uses.
- 5) This area is currently zoned R-1. The purpose of the R-1 district is intended to “to accommodate traditional neighborhoods of single-family detached residences, duplexes and townhouses on moderately sized lots. This district is intended to be used primarily in established neighborhoods. Many of the dimensional standards in this district require development and redevelopment to be consistent with development patterns, building scale, and building location of nearby areas.”
- 6) This area is proposed to be rezoned to F-2. The purpose of the F-2 district is intended to serve as a mixed use, neighborhood-scale commercial district. The F-2 District permits Main Street Building I, Corridor Building I, Cottage Commercial Building I and the Iconic Building. This district was designed for use in Lakeside/Lester Park and along London Road. Non-residential uses may include small-scale retail, service and professional offices that provide goods and services to the residents of the surrounding neighborhood.

7) The site is contiguous with the F-2 zone district located to the south and east of the site. The character of the existing structure, and its historic use, is more closely related to the uses in the existing F-2 zone district than the uses in the R-1 zone district.

8) Based on: A) the character of the neighborhood in general and the proposed rezoning area in particular, B) the purpose statement of the F-2 zone district, and C) the future land use classification of neighborhood commercial, the rezoning as proposed is appropriate for this property.

9) One comment was received from a citizen, opposed to the rezoning.

Staff Recommendation:

Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning to F-2 for the following reason:

- 1) Material adverse impacts on nearby properties are not anticipated.
- 2) The proposed zone district is the most reasonably able to implement the objectives of the Comprehensive Plan related to the land use for this area.
- 3) Future redevelopment, should the building's use change, will be required to conform to modern building code requirements, and conform to modern standards for redevelopment anticipated for the F-2 district.



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JUN 08 2021

**CONSTRUCTION SERVICES
AND INSPECTIONS**

APPLICATION COVER SHEET

Check One Box

- Accessory Home Share - \$101.50
- Appeal to Planning Com. - \$400
- Concurrent Use of Streets - \$784
- District Plan - \$1,125
- EAW or EIS - \$2,810, plus any applicable professional fees
- Historic
 - Construction/Demolition - \$57
 - Resource Designation - \$100
- Interim Use Permit \$630
- Planning Review - \$1,051
- Sidewalk Use Permit
 - New Permit - \$168
 - Renewal Permit - \$85
- Special Use Permit,
 - General - \$1,580
 - Special Use Permit, Wireless Telecommunications*
 - Modifying or Co-locating - \$2,810
 - New Facility or Tower - \$5,623
 - Escrow Deposit - \$9,559
- Subdivision Plat Approval or Amendment:
 - Concept Plan - \$281
 - Preliminary Plat - \$1,120
 - Final Plat - \$843
 - Minor Subdivision - \$420
 - Plat Amendment or Boundary Line Adjustment - \$281
 - Registered Land Survey - \$725
- Temporary Use Permit - \$275
- UDC Zoning Map Amendment/Rezoning
 - General - \$897
 - MU-P or R-P \$2,500
- Vacation of Street or Utility Easement - \$890
- Variance - \$841
- Wetland,
 - De Minimus, Delineation, or No Loss - \$223
 - Exemption - \$168
 - Replacement Plan - \$837
- Zoning Verification Letter - \$94

CONTACT INFORMATION:

Applicant/Owner Lakeside Lodge #281
 Phone N/A Email N/A
 Address 4731 Gladstone St.
 City Duluth State MN Zip 55804
 Owner's Agent (if applicable) Gary E. Hoge, P.E.
 Phone 218-341-4536 Email ghoge@epxduluth.com
 Address 1414 North Road
 City Duluth State MN Zip 55811

APPLICATION INFORMATION:

Street Address and Zoning of Property 4731 Gladstone St.
 Parcel ID Number 010-3010-05980
 Reason for this Request (*Attach Additional Pages or Cover Letter if Necessary*)
Rezone from R-1 to F-2 to make the property more marketable for sale and/or broadening the opportunities for use.

The undersigned hereby represents upon all of the penalties of law for the purpose of inducing the City of Duluth to take the action herein requested, that all statements herein and attached are true and that all work herein mentioned will be done in accordance with the Ordinances of the City of Duluth and the laws of the State of Minnesota. Undersigned also understands that all documents provided to the City may be considered public data, per Minnesota Government Data Practices Act.

Gary E. Hoge 06/08/21
 Signature of Applicant Date

Reminder: include application checklist and all supporting information, including pre-application verification (if applicable). Submit completed information to Room 100, Construction Services and Inspections.

*Special Use Permit Checklist required to be submitted with this application coversheet.



PL 21-094
Rezoning R-1 F-2
Zoning Map

Legend
Zoning Boundaries

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.





PL 21-094
Rezoning R-1 F-2
FLU Map

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



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Aerial photography flown 2016

Prepared by: City of Duluth Community Planning Division, May 3, 2019. Source: City of Duluth.

