



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	PL 18-153	Contact	John Kelley	
Type	UDC Map Amendment, Rezone R-1 to MU-I	Planning Commission Date		December 11, 2018
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	Southwest corner of LSC Drive, Trinity Road and South Arlington Ave intersection			
Applicant	City of Duluth, Community Planning	Contact	John Kelley	
Agent	N/A	Contact		
Legal Description	See attached map			
Site Visit Date	November 26, 2018	Sign Notice Date	November 27, 2018	
Neighbor Letter Date	November, 28 2018	Number of Letters Sent	94	

Proposal

The City is proposing to rezone a City owned parcel of land located on the southwest corner of Lake Superior College Drive, Trinity Road and South Arlington Ave intersection from Residential-Traditional (R-1) to Mixed Use-Institutional (MU-I), in conformance with the Comprehensive Plan's Future Land Use map.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Open Space/Recreation	Open Space
North	MU-I	Lake Superior College	Institutional
South	R-1	Open Space/Recreation	Open Space
East	R-1	Open Space/Recreation	Open Space
West	R-1, MU-I	Open Space	Open Space/Institutional

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):

Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home-businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects and neighborhood extensions, and new traditional neighborhood areas.

Institutional: Applicable to university and college and public school campuses, large religious facilities or governmental campuses, cemeteries, etc. Applies primarily to existing facilities.

Governing principle #1 is to reuse previously developed lands, including those adjacent to existing Infrastructure.

Governing principle #11 is to include consideration for education systems in land use actions.

Economic Development:

Policy #1: S3 - Collaborate with K-12, higher education, business, and other partners to develop an improved understanding of career paths to maximize opportunities for young people in the city.

Policy #3: S2 - Coordinate with major institutions, including hospital and university campuses, to plan for their growth, minimize development impacts, and provide for stability and livability for the campuses, their employees, and surrounding neighborhoods.

Recent History:

FN 93-127 Special Use Permit for 68 units of student housing – Duluth Technical College

FN 97-001 Special Use Permit Amendment for 24 units of student housing – Lake Superior College

PL 17-154 Rezone from R-1 and RR-1 to MU-I.

Review and Discussion Items

Staff finds that:

- 1) The proposed area for rezoning is located south of the existing Lake Superior College campus and west of Trinity Road. The property is currently zoned R-1, and the City is proposing to rezone to MU-I to better conform to long-term priorities for the site and LSC campus.
- 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 Imagine Duluth 2035 Comprehensive Land Use Plan supports the need for college campuses to plan for future growth of their facilities and to provide student-housing opportunities while minimizing development impacts to the surrounding area. The proposed land use change will lay the groundwork for a rezoning of the land area to Mixed Use-Institutional.
- 4) The R-1 district is established 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.
- 5) The MU-I district is established to provide for the unique development needs and impacts of major medical, educational and research institutional development. The intent is to give institutional landowners the flexibility to plan and develop their facilities while ensuring that surrounding neighborhoods are protected from adverse impacts, such as traffic, overshadowing buildings, noise and unexpected expansion of institutional uses into residential areas.

6) A proposed rezoning from any residential district to any mixed-use district has a higher standard for Council approval than other rezoning. In this instance, the city acted to initiate the rezoning, acting as the current property owner of the site. A super majority vote by the City Council is required to approve the rezoning, based on the following:

- The rezoning application was initiated without a petition with the written consent of 2/3 of the property owners within 100 feet of the property to be rezoned
- The planning commission completed a study of an area containing at least 40 acres of land surrounding the applicant's property and the proposed rezoning is a result of that study.
- A finding is made that it would be impractical to obtain the required written consent.

This differs from the typical requirement for a simple majority vote.

7) Impacts from developing property in MU-I zone district would be mitigated by implementing UDC development standards such as buffering, landscaping, and lighting controls, as well as storm water treatment and detention. In addition, access management controls (reducing conflict points on roads) would help to reduce additional vehicle traffic.

8) Based on the policies and objectives of the Imagine Duluth 2035 Comprehensive Land Use Plan future land use, character and past development history of this parcel and the purpose statements of the MU-I zone district, rezoning as proposed on the attached map, is appropriate for this neighborhood.

9) The city, as of the date this report was written, has not received any formal written comments about this proposal from citizens and has received two emails from MnDOT and a few phone calls with residents of the area.

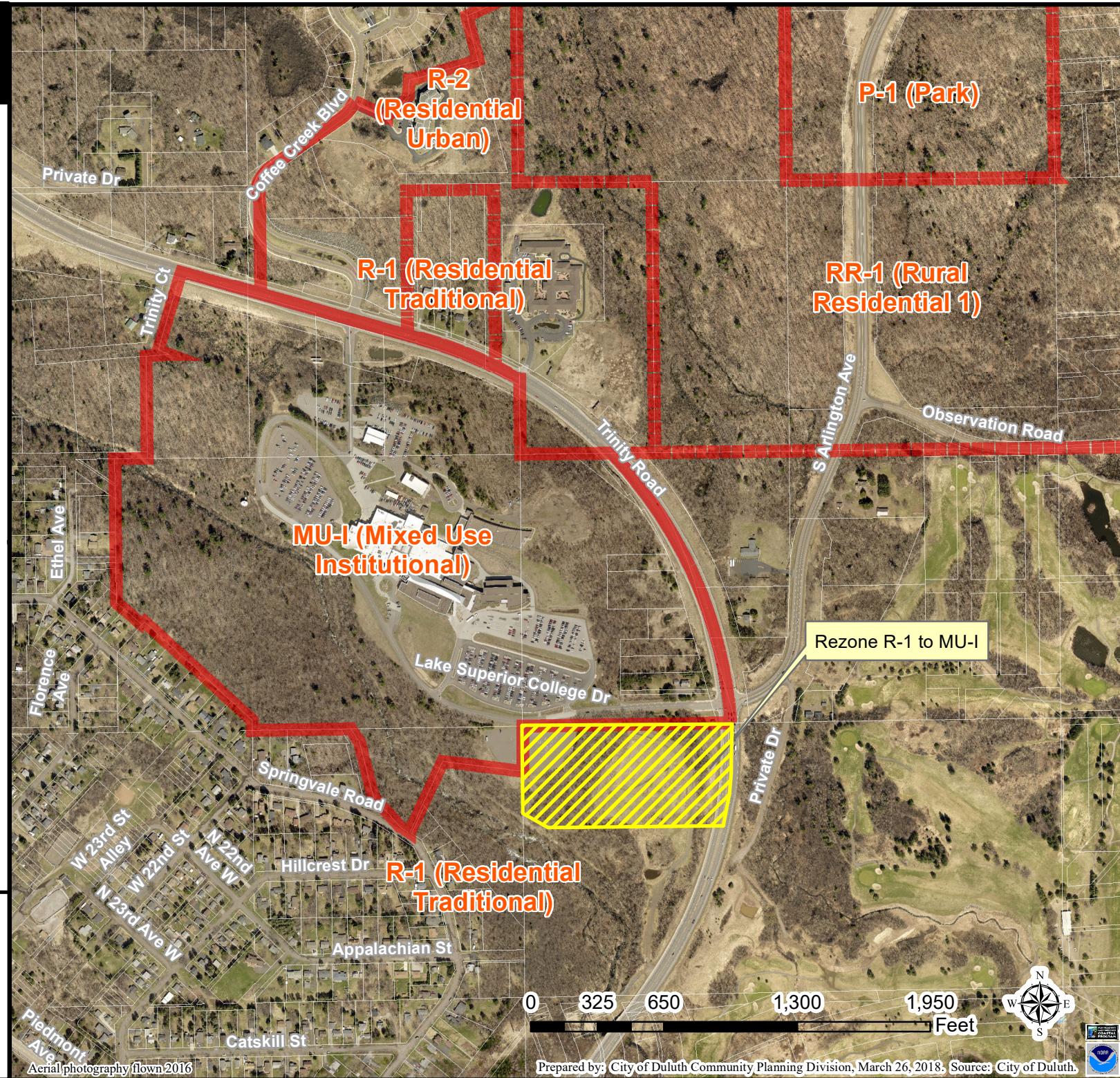
Staff Recommendation

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 Rezoning Map.

- 1) The rezoning is consistent with the Imagine Duluth 2035 Future Land Use Map.
- 2) The proposed zone district is most reasonably able to implement the objectives of the Imagine Duluth 2035 Plan related to the proposed land use for this area.
- 3) Material adverse impacts on nearby properties are not anticipated.



PL 18-153
Rezoning
R-1 to MU-I





LUTH
ERSONA PL 18-152
Future Land Use Map Change
Open Space to Institutional

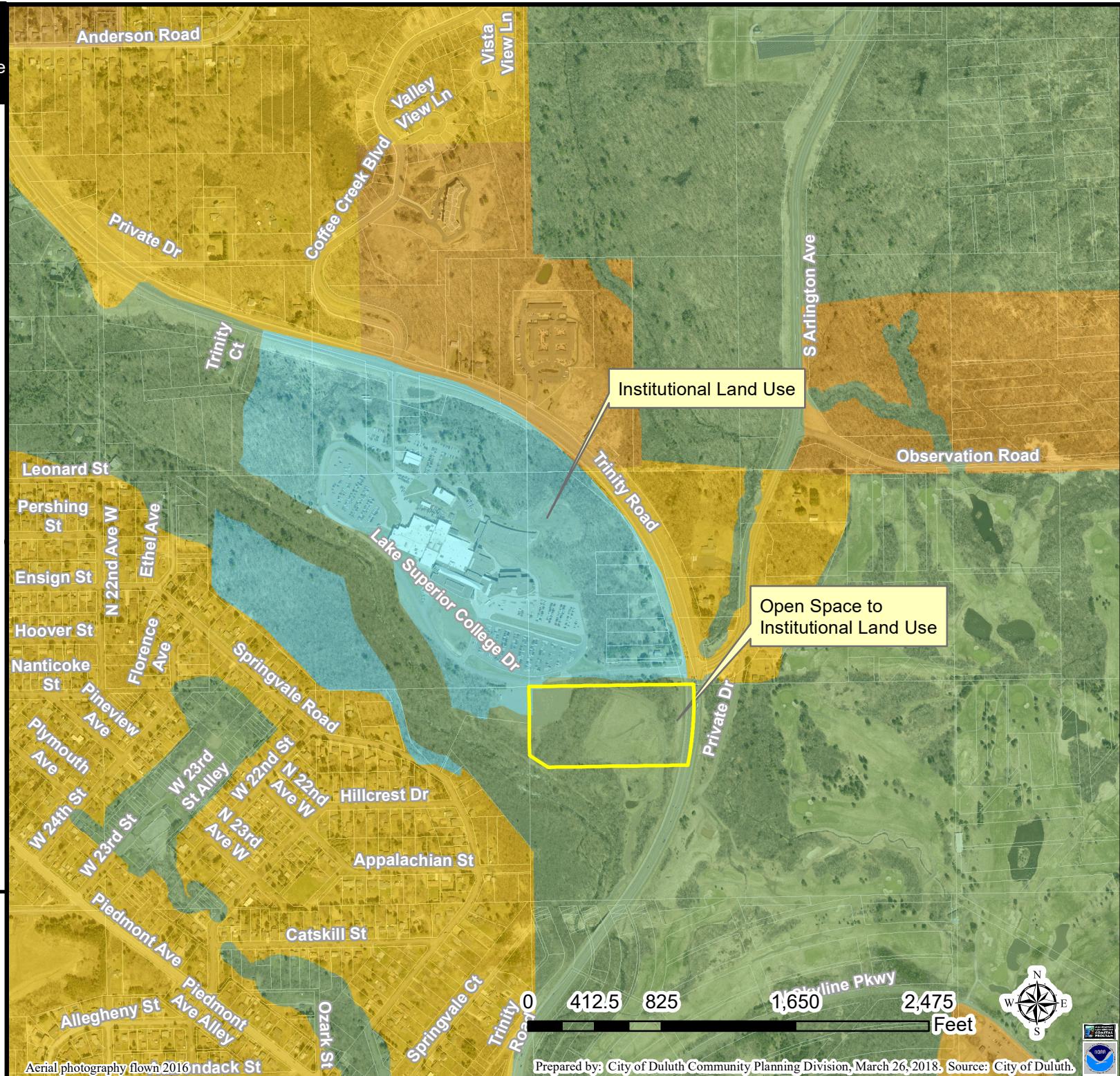
Legend

Legend for Land Use Categories:

- 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

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 by [DakSt](#)



From: Miles, James (DOT) <james.miles@state.mn.us>
Sent: Thursday, November 29, 2018 7:29 AM
To: Chris Lee <clee@DuluthMN.gov>
Subject: RE: Pending Items for 12/11 Duluth Planning Commission

Chris,

Thank you for the opportunity to review these locations.

I wanted to mention that MnDOT would require any access to the mixed-used institutional parcel at the corner of Trinity and Lake Superior College Drive to be located off of Lake Superior College Drive.

Please feel free to contact me if you have questions.

Thanks,
Jim

John Kelley

From: Gearns, Timothy (DOT) <timothy.gearns@state.mn.us>
Sent: Friday, November 30, 2018 8:50 AM
To: John Kelley
Subject: PL 18-153 Rezoning for LSC Expansion

ALCON,
At this time MnDOT takes no issue with the proposed zoning changes.

As always, MnDOT wants to remind parties that professional surveys and title research should be conducted to ensure that any development does not encroach onto MnDOT Right of Way.

Furthermore, I would like to point out for informational purposes, that records indicate that: there is a Park Easement and MnDOT owns Access Control along the adjacent stretch of TH 53 (Eastern boundary of the proposed rezoning area).

V/R
Gearns, Timothy (PE)
Assistant Right of Way Engineer
District 1, MN DOT
218-725-2835