



CITY OF DULUTH

Community Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197

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File Number	PL 18-068	Contact	John Kelley	
Type	UDC Map Amendment, Rezone R-1 to R-2 and R-1 to MU-N	Planning Commission Date	November 13, 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	Kenwood Avenue and West Arrowhead Road area in the Kenwood Neighborhood			
Applicant	City of Duluth, Community Planning	Contact	John Kelley	
Agent	N/A	Contact		
Legal Description	See attached map			
Site Visit Date	July 31, 2018	Sign Notice Date		
Neighbor Letter Date	November 2, 2018	Number of Letters Sent	148	

Proposal

The City is proposing to rezone properties in the general area of West Arrowhead Road, Kenwood Avenue, Maryland Street and Warren Avenue from Residential-Traditional (R-1) to Urban Residential (R-2) and Urban Residential (R-2) to Mixed Use-Neighborhood (MU-N), and areas south of West Arrowhead Road and west of Kenwood Avenue from Residential-Traditional (R-1) to Mixed Use-Neighborhood (MU-N).

The areas proposed for rezoning each have unique characteristics related to existing land use and current zoning in proximity to the Kenwood Neighborhood commercial node. Based on these characteristics Areas A & B (located north of West Arrowhead Road) and Areas C & D (located south of West Arrowhead Road), all depicted on attached map, shall be considered under separate review and recommended action.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1, R-2	Residential	Urban Res, Trad Res, Nghbrd Mixed Use
North	R-1, MU-N	Residential/Commercial	Urban Res, Trad Res, Nghbrd Mixed Use
South	R-1, MU-N	Residential/Commercial	Urban Res, Nghbrd Mixed Use
East	MU-P/MU-N/R-1	Commercial/Residential	Nghbrd Mixed use, Trad Nghbrd
West	R-1, MU-N	Commercial/Residential	Urban Res, Trad Res, Nghbrd Mixed Use

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.

Neighborhood Mixed Use: A transitional use between more intensive commercial uses and purely residential neighborhoods. Includes conversions of houses to office or live-work spaces. May include limited commercial-only space oriented to neighborhood or specialty retail markets.

Urban Residential: Greatest variety of building types, medium to high densities. Applicable to larger infill areas close to downtown, entertainment or activity centers, and waterfront residential areas. May include student housing areas, live/work units, and limited neighborhood retail. Connected or adjacent to parks and open space.

Economic Development: Policy #2: S1 - Prioritize redevelopment efforts in the Core Investment Areas. Encourage collaboration between existing businesses in individual Core Investment Areas to support increased business activity overall and to improve its aesthetic and social environment. Recognize Core Investment Areas as hubs of the sharing and remote-work economy.

Governing Principle #4 - Support emerging economic growth sectors

Emerging economic sectors add economic, cultural and social diversity. These include higher education, medical, value-added manufacturing, commercial outdoor recreation, historic resources interpretation, arts and music, information technology and visitor services.

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

The City recognizes this neighborhood as a core investment area in the Imagine Duluth 2035 Comprehensive Land Use Plan based on the existing character and redevelopment potential for the area. To help achieve priorities and opportunities for this core investment area the City is proposing to rezone property in the general area of Kenwood Drive and West Arrowhead Road.

Recent History:

FN 11-042 Rezone R-2 to MU-N – Northwest corner area of West Arrowhead Road and Kenwood Avenue

FN 11-105 Rezone R-1 to R-2 – North side of West Arrowhead Road between Warren Avenue and Dodge Avenue

PL 12-008 Rezone R-1 to R-2 – Kenwood/Edison School, 1750 Kenwood Avenue

PL 15-060 Rezone R-1 to MU-N – Southwest corner of West Arrowhead Road

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. The City recognizes the Kenwood Neighborhood as a Core Investment Area (CIA) in the Imagine Duluth 2035 Comprehensive Land Use Plan based on the existing character and redevelopment potential for the area. The CIAs are intended to serve as neighborhood focal points, enhancing access by current residents to retail and service businesses, and protecting existing housing types outside the core zone. The proposed rezoning's will help lay the ground work for establishing a CIA in the Kenwood neighborhood.

2) This proposed rezoning is to update the city's zoning map so that it matches the community's vision in the Imagine Duluth 2035 Comprehensive Land Use Plan. The City will be amending the zoning map throughout the city to align with the future land use changes, 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 quarters.

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.

4) Area A (in the purple box of the Proposed Rezoning Area Map) has a future land use designation of Urban Residential, which can translate into the Unified Development Chapter's R-2, Residential-Urban and Mixed Use-Neighborhood (MU-N) zoning district. It is zoned R-1, Residential Traditional. All the parcels are privately owned with single family homes.

5) Area B (in the blue box of the Proposed Rezoning Area Map) has a future land use designation of Urban Residential, which can translate into the Unified Development Chapter's R-2, Residential-Urban and/or Mixed Use-Neighborhood (MU-N) zoning district. It is currently zoned R-2, Residential-Urban. The two parcels are privately owned and were rezoned from R-1 to R-2 in 2011. The current land use is office and single family home.

6) Area C (in the yellow box of the Proposed Rezoning Area Map) has a future land use designation of Traditional Neighborhood, which can translate into the Unified Development Chapter's R-1 or R-2 zoning districts. All the parcels are privately owned with single family homes.

7) Area D (in the red box of the Proposed Rezoning Area Map) has a future land use designation of Neighborhood Mixed Use, which can translate into the Unified Development Chapter's Mixed Use-Neighborhood (MU-N) zoning districts. All the parcels are privately owned with single family homes and one office building.

8) The MU-N district is established to accommodate a mix of neighbor-hood-scale, neighbor-hood serving non-residential uses and a range of residential uses located in close proximity. This district accommodates both horizontal (uses located in separate structures) and vertical (uses located in the same building) types of mixed use. Non-residential uses may include small-scale retail, service and professional offices that provide goods and services to the residents of the surrounding neighborhood or the unique development needs and impacts of major medical, educational and research institutional development.

9) The R-2 district is established to accommodate multi-family apartments and townhouses, in an urban setting. This district also allows for single-family detached dwellings, duplexes and group living accommodations. The district is intended primarily for locations closer to commercial and mixed use activity centers, and may serve as a transition between lower density residential areas and more intense commercial and mixed use neighborhoods.

10) The City is looking to finalize the boundary of the Kenwood Commercial area. There is no commercial project that is driving this rezoning. Finalizing the boundary of the Kenwood Commercial node was an unfinished item from the 2006 Comprehensive Land Use plan and the city is just now completing this task

11) Impacts from developing property in MU-N zone district would be mitigated by implementing UDC development standards such as buffering and landscaping, 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.

12) Based on the policies and objectives of the Imagine Duluth 2035 Comprehensive Land Use Plan future land use, character and development history of this neighborhood and the purpose statements of the R-2 and MU-N zone districts, rezoning as proposed in areas A, B, C and D identified on the attached map, titled Proposed Rezoning Area Map, is appropriate for this neighborhood.

13) The city, as of the date this was written, has received two formal written comments in regard to this proposal from citizens and has had several emails and phone calls with residents and business 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 proposed rezoning area maps and as follows:

- 1) The rezoning is consistent with the Imagine Duluth 2035 Future Land Use Map.
- 2) The City recognizes this neighborhood as a core investment area in the Imagine Duluth 2035 Plan based on the existing character and redevelopment potential for the area.
- 3) 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.
- 4) Material adverse impacts on nearby properties are not anticipated.

Action 1

Rezone Area A from R-1 to R-2 and Area B from R-2 to MU-N.

Action 2

Rezone Area C and D from R-1 to MU-N.

KENWOOD NEIGHBORHOOD MEETING

October 11, 2018

- Too much traffic during construction.
- Traffic backed up stoplights would not turn green for long periods of time. Would take about 10 minutes just to drive across the street.
- People cut through the plaza where it would be unsafe. Accidents could easily happen. – Leah Bennett
- Roads need to be expanded.
- Plaza should expand parking lot. The parking lot needs to manage parking by putting symbols on the road to drive up or down.

Kenwood Villages

- Jim Steenerson - Parking, traffic, safety of stop signs.
- Jed S – listening has land in across from area B.
- Dave H. – Kenwood Village too small. Needs more parking spaces
- Hillary & Darryl – Wants more information, parking on Cleveland. Residential parking on cul dul sac development. Will parking congestion be safe for pedestrians?
- Carol & Tom – Alley Kenwood to West of Toledo – suggest more houses to be bought to widen Area B to the west.
- Lucas – Area C Arrowhead – Currently a two-lane road, driveway parking is unsafe. No increase to 4-way lane – no! Speed bumps.
- Property values, Holiday station, built-up, Core investment areas are transitional areas, safe pedestrian access, Rentals, Area D master plan before development.
- Kenwood Village Developer and University stockholder are not present.

Area A R-1 to R-2

- Multi-family building
- How many residential homes will be taken down if it is changed to R-2 for development?
- There are already 4 apartment buildings surrounding the neighborhood.
- Traffic and parking horrible. People cut thru the neighborhood. Can't imagine adding apartments.
- Buffer?
- There are people already knocking at the door to buy houses along Dodge St.
- Change Area D but leave A & B along. (Especially A)
- Property value for houses up. (Maryland St. and up).
- R-1 is safe for Area A.

- Affordable apartment rentals.
- Nature
- Problems with student parking
- Area C – R-2? Not MU-N
- Neighborhood business

Adam, We were unable to attend the meeting last Thursday, but want you to know that we vehemently object to the rezoning in our area. We have lived on Woodrich Circle for over 40 years and have seen several generations of families grow up here. We know 40 of the neighbors on Woodrich, Dodge, Maryland, and Warren and have kept a photo album of the annual holiday gathering since 1990. It is a wonderful, close neighborhood and has been a great place for families. Any rezoning would undoubtedly greatly increase traffic up our street and on the other streets. Has anyone counted the cars that travel on Arrowhead and Kenwood? I can't imagine adding more, especially since we have so many young families with children and no sidewalks. And parking is another issue. Our home already has cars parked in front of it daily because of the group home next door which was approved in spite of having no parking on the street available in front of it. How would you feel if this were your neighborhood? Development along Arrowhead would be fine, but don't let developers money ruin a long-standing, safe and perfect family oriented neighborhood. Kathy Croke 1210 Woodrich Circle

John:

My name is Tom O'Brien. I own 2 homes in the area of your planned rezoning and land use changes for the Kenwood neighborhood. Both these homes are located in Area C, 1222 and 1246 W. Arrowhead Road. I want you to know that I support the proposed changes you are requesting. If you ever want to contact me by phone, 715-795-2146, or 651-330-6517.

Sincerely,

Tom O'Brien

Shamrock Management LLC

Bretmin Corporation

Edgewater Services, Inc. Infinity Management, Inc.

5979 Birch Point Road

Saginaw, MN 55779

Phone (218)-348-1782

Email bretmin@gmail.com

October 6, 2018

Planning Commission
City of Duluth
411 West First St
Room 208
Duluth, MN 55802

Dear Members of the Duluth Planning Commission,

I received the letter from the Duluth Planning Commission dated October 1, 2018 regarding the re-zoning of R-1 to MU-N in the Kenwood/Arrowhead area. Since I will not be available to attend the meeting on October 11, 2018 I would like to offer my response to the re-zoning.

As stated in my previous letter, I am a commercial property owner at 1520 Kenwood Avenue. I believe that letter clarified my position on this re-zoning.

I am not opposed to commercial re-zoning in this area. However, I continue to be concerned for the residential properties effected by this change. Depending on the MU-N development this could have a devastating effect on the residential property owners that would find themselves abutted to a commercial zone.

In consideration of the neighbors please listen to their concerns regarding traffic, noise, congestion and impact prior to making a final decision on the rezoning issues.

Sincerely,

Daniel J Thompson
President
Infinity Management, Inc.

Good Afternoon,

I am requesting to have the easterly half of my property that is currently R1 (010-2710-02950) to go to R2 and or MU-N. The city currently is asking to rezone North of West Arrowhead between Warren Ave and Dodge ave. My property resides direct across the street from both Avenues. The westerly half of my property currently is R2. It would be in my best interest to ask for this request because the city is changing the Zoning in the areas that are directly next to my property. This would allow opportunity for future developments. Also, this would Hopefully eliminate applied rezoning fees. Please fee free to contact me with questions or concerns.

Thank you

Greg Carlson

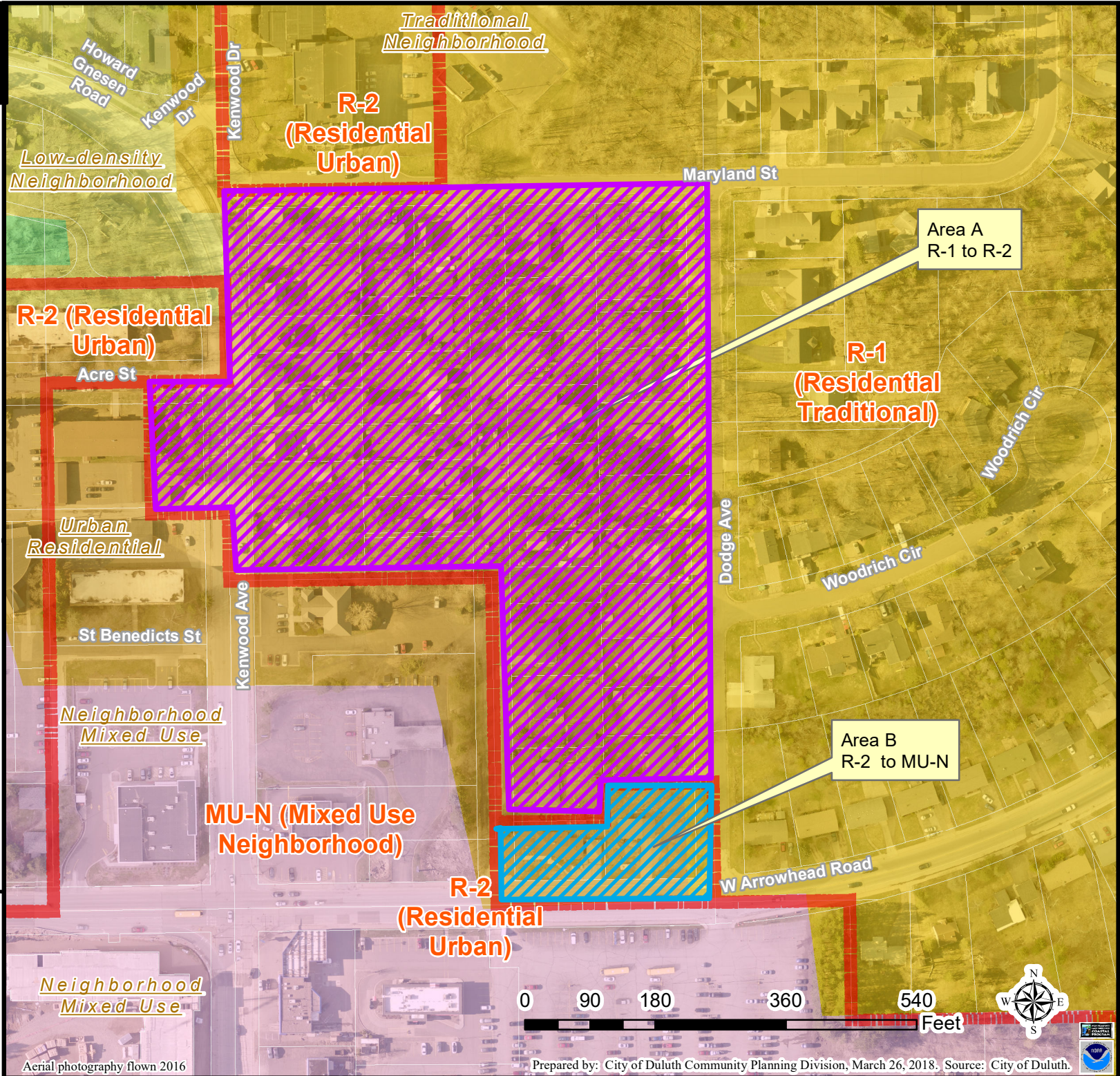
218-590-5658



Legend
Future Land Use - Plus
Future Land Use

- Zoning Boundaries
- 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 2016



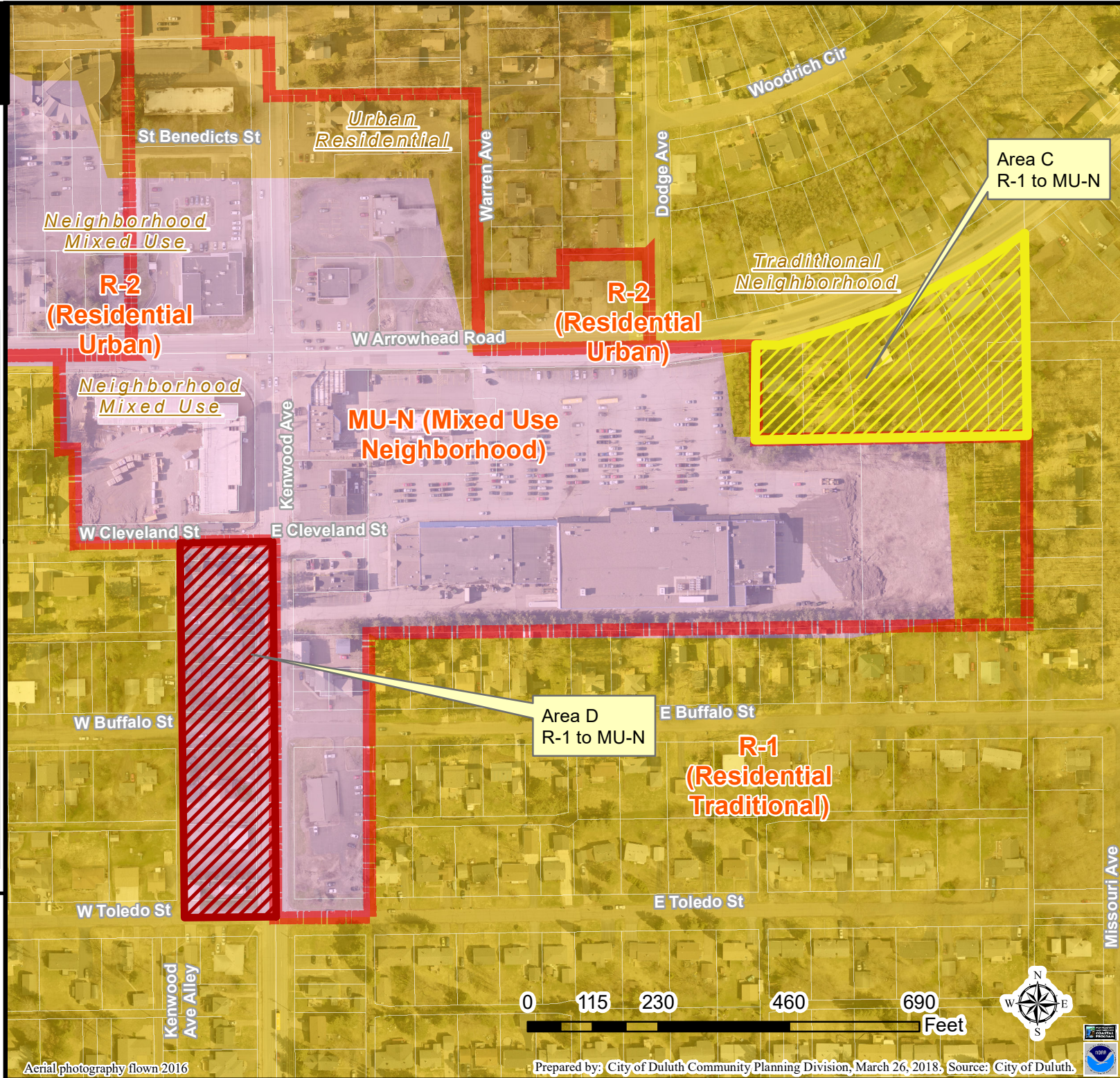
Legend

Zoning Boundaries

Future Land Use - Plus Future Land Use

- Preservation
- Recreation
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Neighborhood Mixed Use
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Area C
R-1 to MU-N

Area D
R-1 to MU-N

