



Planning & Development Division
Planning & Economic Development Department

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 Duluth, Minnesota 55802

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planning@duluthmn.gov

| | | | | |
|-----------------------------|--|---------------------------------|--------------------------|------------------------|
| File Number | PL 19-138 | Contact | Steven Robertson | |
| Type | Rezone from R-C to P-1 and RR-1 | Planning Commission Date | October 8, 2019 | |
| Deadline for Action | Application Date | | 60 Days | N/A (City Application) |
| | Date Extension Letter Mailed | N/A | 120 Days | |
| Location of Subject | Near the Intersection of Jean Duluth Road and Riley Road | | | |
| Applicant | City of Duluth | Contact | Planning and Development | |
| Agent | | Contact | | |
| Legal Description | See Attached Map | | | |
| Site Visit Date | September 25, 2019 | Sign Notice Date | September 25, 2019 | |
| Neighbor Letter Date | September 26, 2019 | Number of Letters Sent | 47 | |

Proposal

The City proposes rezoning property from the current zoning of R-C (Rural-Conservation), to P-1 (Park and Open Space) and RR-1 (Rural Residential 1). The proposal is consistent with the Comprehensive Plan.

Staff Recommendation

Staff is recommending approval of the proposed rezoning to P-1 and RR-1.

| | Current Zoning | Existing Land Use | Future Land Use Map Designation |
|----------------|-----------------------|--------------------------|--|
| Subject | R-C | Recreation, Residential | Open Space, Rural Residential |
| North | City of Rice Lake | Residential | - |
| South | R-1 | Residential | Rural Residential |
| East | Lakewood Township | Residential, Small Com. | - |
| West | City of Rice Lake | Residential | - |

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

Principle 2 - Declare the necessity and secure the future of undeveloped places.

Undeveloped areas are an essential part of Duluth's municipal fabric— urban plazas, neighborhood parks, large tracts of public ownership, and private lands zoned for minimal development. These minimally developed or undeveloped areas collectively create an open space system. These areas contribute to Duluth's cultural, health, recreational, and economic value and community identity. This open space system provides vistas, encourages active recreation, supplies natural infrastructure such as storm water retention, plant and animal habitat, and water quality, and is the strongest visual element defining Duluth's sense of place.

Future Land Use

Future Land Use, Open Space. High natural resource or scenic value, with substantial restrictions and development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls. Examples include: city parks and recreation areas, primary viewsheds, shorelands of the lake and streams, wetlands and floodplains, and high-value habitat.

Future Land Use, Rural Residential. Areas of single-family lots of at least five acres. Limits the extension of municipal utilities for new development. Includes existing rural density areas with lots as small as an acre now served by municipal utilities but not planned for further subdivision.

History

This area was annexed into the City of Duluth, from Rice Lake Township (now the City of Rice Lake), in 2015. Newly annexed land is zoned R-C (Rural Conservation), as stated in UDC 50-13.4.F.

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 Site 15 and 16.

Review and Discussion Items:

- 1) The City is proposing to rezone property from the current zoning of R-C (Rural-Conservation), to P-1 (Park and Open Space) and RR-1 (Rural Residential 1). Lands proposed for rezoning to P-1 are owned by the city of Duluth. Lands proposed for rezoning to RR-1 are owned by private parties.
- 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) State Statute requires that a community's zoning map implement the general objectives of the Comprehensive Plan. Other criteria for zoning 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 P-1 district is to protect and reserve lands for recreational, scenic and natural resource uses. It is intended to be applied to publicly owned land but may be applied to private property with the landowner's written consent. Both passive recreational and active recreational uses may be permitted, Small-scale buildings, structures and development (e.g., parking) that are incidental to and supportive of an approved use may also be permitted.

5) The RR-1 district is established to accommodate large-lot, single-family detached residential uses, typically surrounded by significant open space, on lots of at least 5 acres each. The district encourages distinctive neighborhoods with a semi-rural character. Complimentary uses such as limited agriculture, small-scale institutional uses, parks, minor utilities and certain temporary uses are allowed.

6) This specific rezoning action is not in anticipation of any specific development proposal; it is instead intended to update the zoning map to reflect the recent change to the future land use designation per the Imagine Duluth 2035 Comprehensive Plan.

7) Based on the development pattern of adjacent areas and the purpose statement of P-1 and RR-1 zone districts, rezoning as proposed in the attached map is appropriate for this area.

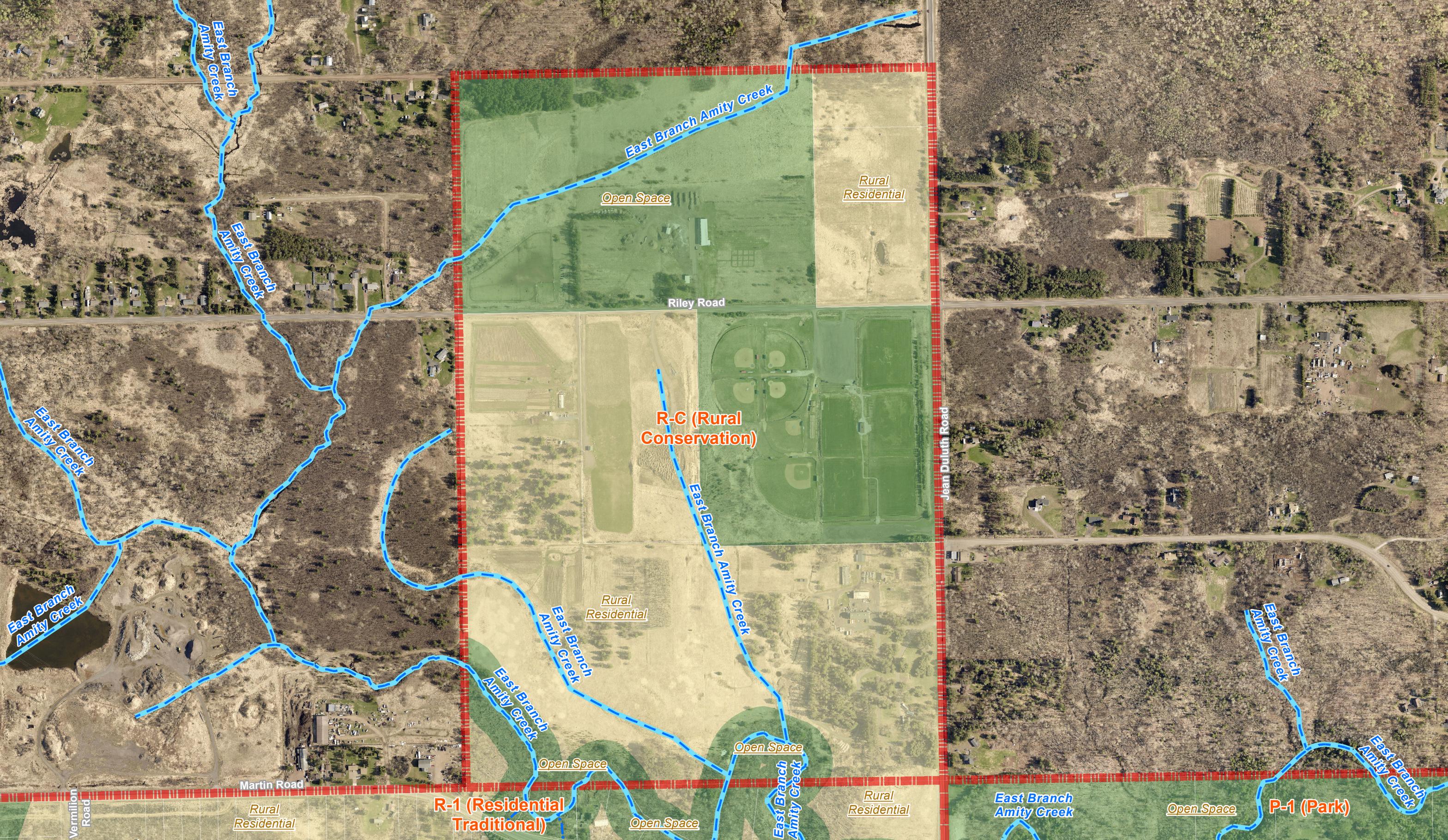
8) No written correspondence has been received as of the date that this memo was printed (October 1, 2019).

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 Proposed Rezoning Area Map.

1) The proposed zone districts are the most reasonably able to implement the objectives of the Comprehensive Plan related to the land use for this area.

2) Material adverse impacts on nearby properties are not anticipated.



East Branch Amity Creek

Open Space

Rural Residential

Riley Road

R-C (Rural Conservation)

Jean Duluth Road

Rural Residential

Martin Road

Rural Residential

R-1 (Residential Traditional)

Open Space

Open Space

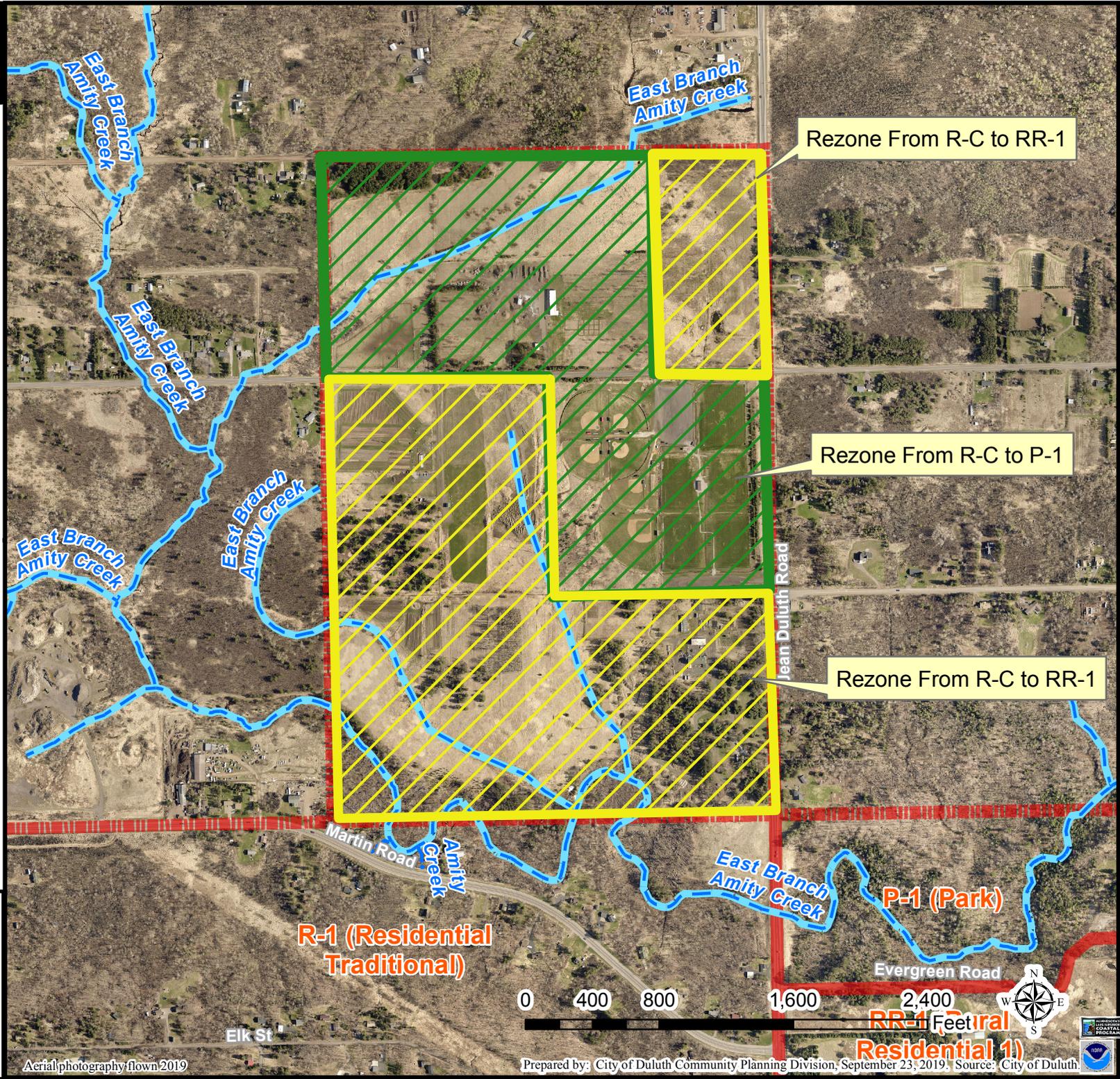
Open Space

Rural Residential

Open Space

P-1 (Park)

Vermilion Road



Rezone From R-C to RR-1

Rezone From R-C to P-1

Rezone From R-C to RR-1

Legend

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

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.



Haines and Arrowhead (Site 12)

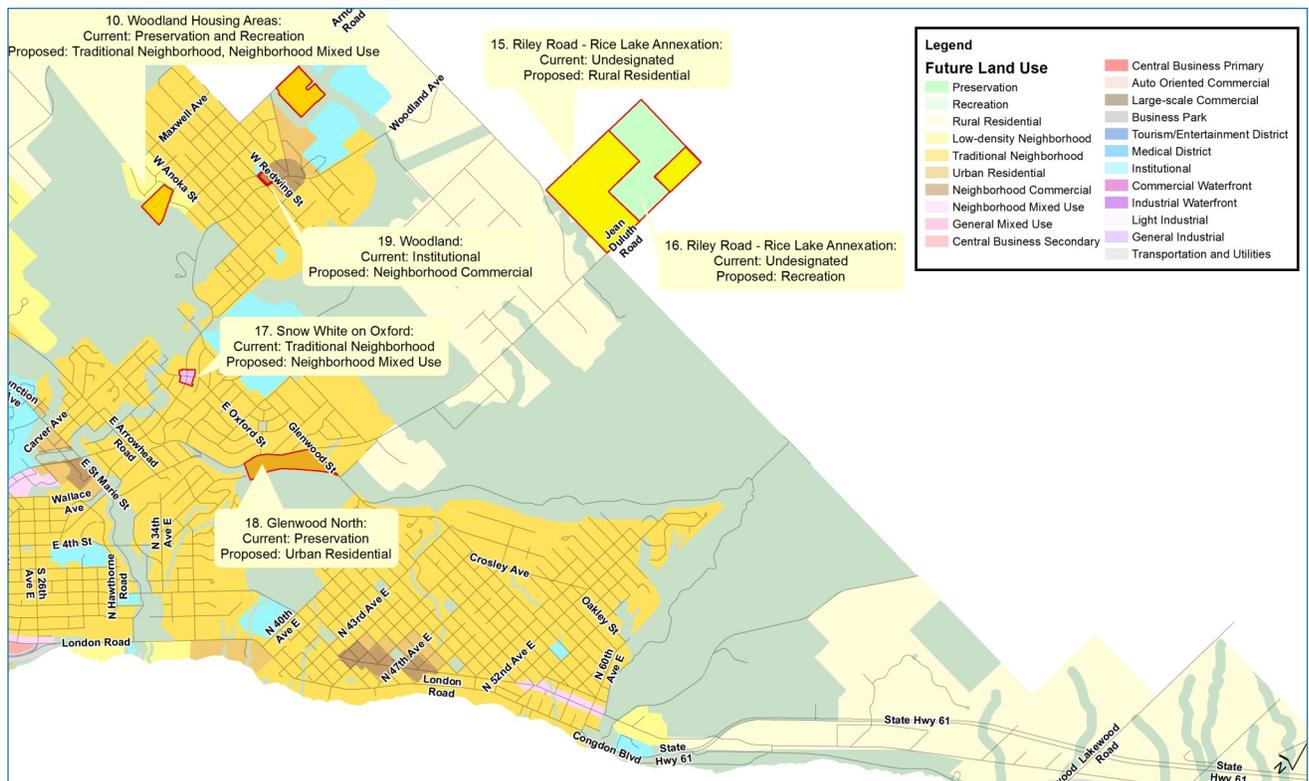
This area had been designated Auto-Oriented Commercial. It is changed to Central Business Secondary to continue to accommodate commercial activities which are complementary to surrounding uses in both Duluth and Hermantown.

Arrowhead & Rice Lake (Site 13)

This study area was originally designated for Auto-Oriented Commercial. Based on surrounding uses and evaluation of opportunities for development, including analysis of surrounding infrastructure, this area is designated Neighborhood Commercial.

Rice Lake and Norton Road (Site 14)

Evaluation of the Rice Lake and Norton area indicates a lack of access to utilities. A portion of the area remains General Mixed Use, but other areas of the analysis area are changed to Rural Residential. Proximity to the airport and changes within the recently created City of Rice Lake may result in some development pressure; however, this area is in the headwaters of Chester Creek and preservation of the low intensity character is appropriate.



Riley Road – Rice Lake Annexation (Site 15)

This action designates land use categories for lands annexed since adoption of the 2006 comprehensive plan. These lands are designated for Rural Residential. There are no utilities available in the area, which has a rural character associated with very low density areas of the city.

Riley Road – Rice Lake Annexation (Site 16)

This action designates land use categories for lands annexed since adoption of the 2006 comprehensive plan. The designation of Open Space is due to the presence of a large sports complex and dog park.

Former Snow White on Oxford Ave (Site 17)

This area was historically a small commercial node. The change will enable additional revitalization in this location to allow for a small area of mixed use types of development.

Glenwood North (Site 18)

For this site adjacent to Glenwood Street and Snively Road, the land use map is changed from Recreation/Preservation to Neighborhood Mixed Use. This change takes advantage of adjacent utilities to provide additional residential opportunities and services. The Skyline Parkway Overlay District will restrict viewshed obstructions.

Woodland, Near Former Cobb School (Site 19)

This change from Recreation to Neighborhood Commercial is consistent with the goal of increasing density, provides new opportunities for housing, and allows a mixture of uses within a Core Investment Area.

Areas for Future Study

During the evaluation process, two areas were designated for future study:

US Steel Site in the Morgan Park Neighborhood

This area is broadly designated General Mixed Use. As continued remediation takes place, additional study may help to clarify the City's preference for continued redevelopment of this site in relationship to surrounding land uses.

Uses Allowed in Park & Open Space (P-1) Zone District Revised January 2019

Permitted Uses

- Park, playground, or forest reserve
- Golf course

Special Uses

- Cemetery or mausoleum
- Club or lodge (private)
- Government building or public safety facility
- Museum, library, or art gallery
- Riding stable
- Seasonal camp or cabin
- Marina or yacht club
- Recreational vehicle park
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Water or sewer pumping stations/reservoirs

Uses Allowed in Residential-Rural 1 (RR-1) Zone District Revised January 2019

Permitted Uses

- Dwelling, one family
- Residential care facility/assisted living (6 or fewer)
- Government building or public safety facility
- Park, playground, or forest reserve
- Religious assembly, small (less than 50,000 sq. ft.)
- School, elementary
- Agriculture, community garden
- Agriculture, general
- Agriculture, urban
- Seasonal camp or cabin
- Day care facility, small (14 or fewer)

Special Uses

- Cemetery or mausoleum
- Religious assembly, large (50,000 sq. ft. or more)
- School, middle or high
- Kennel
- Riding Stable
- Veterinarian or animal hospital
- Golf course
- Recreational Vehicle Park
- Other outdoor entertainment or recreation use not listed
- Preschool
- Day care facility, large (15 or more)
- Mini-Storage or Self-Service Storage Facility
- Garden material sales
- Mining, extraction and storage
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Radio or television broadcasting tower
- Solar, geothermal, or biomass power facility (primary use)
- Water or sewer pumping stations/reservoirs
- Wind power facility (primary use)
- Solid waste disposal or processing facility

Interim Uses

- Vacation dwelling unit



Legislation Details (With Text)

File #: 15-001 **Name:**
Type: Petition/Other Communication **Status:** Filed
File created: 6/15/2015 **In control:** City Council
On agenda: 7/20/2015 **Final action:** 7/20/2015
Title: Minnesota office of administrative hearings order approving annexation of property from Rice Lake Township.

Sponsors:

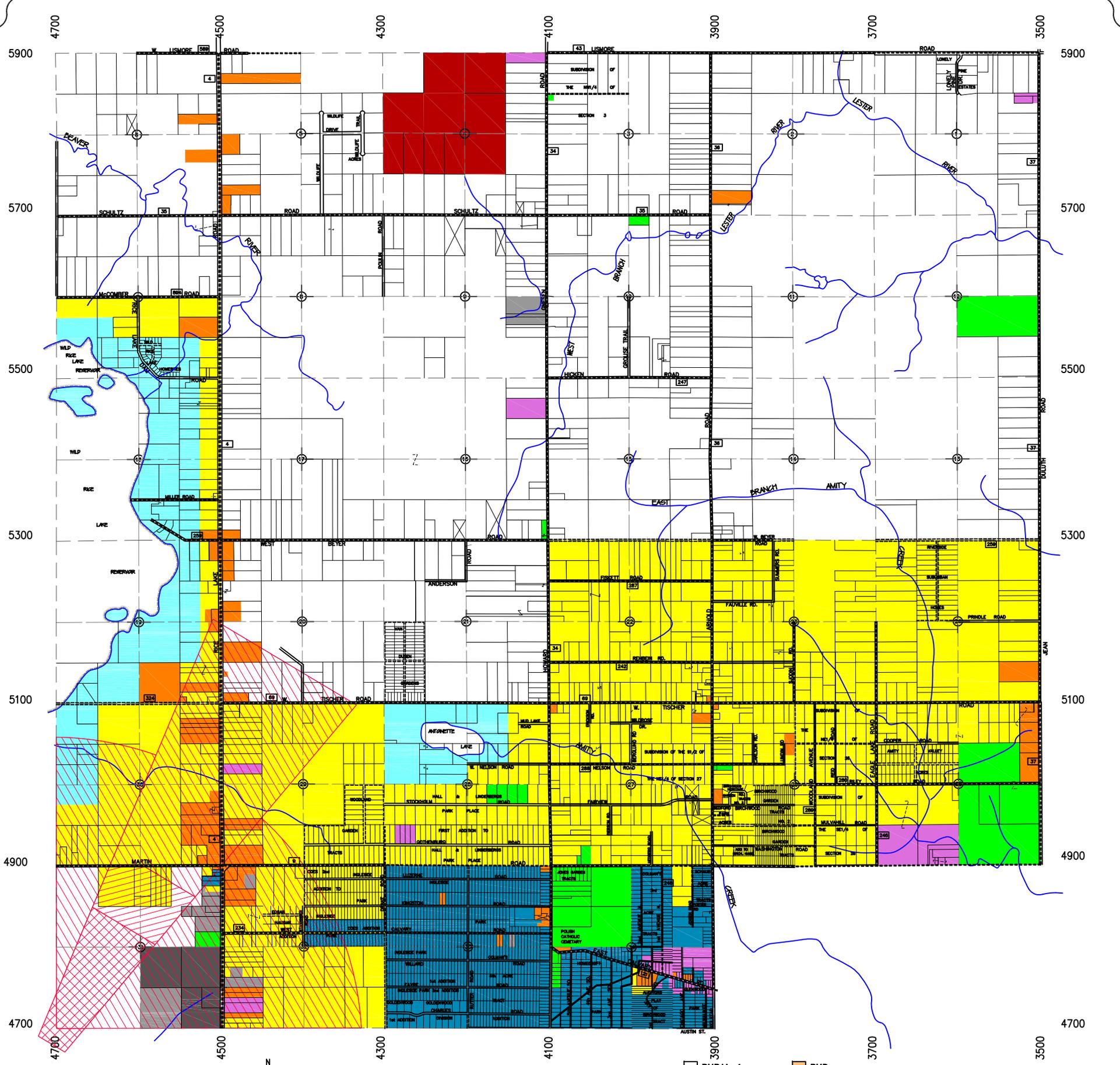
Indexes:

Code sections:

Attachments: 1. Order

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|----------|--------|
| 7/20/2015 | 2 | City Council | received | |
| 7/20/2015 | 2 | City Council | received | |

Minnesota office of administrative hearings order approving annexation of property from Rice Lake Township.

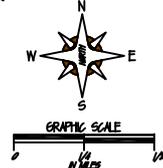


APPROVED & ADOPTED 9/04/74
 AMENDED 7/06/82
 AMENDED 10/05/82
 AMENDED 2/16/85
 AMENDED 03/25/84
 AMENDED 11/14/00
 AMENDED 05/17/04
 AMENDED 11/23/04
 AMENDED 03/28/05
 AMENDED 07/08/13
 AMENDED 03/04/14
 EFFECTIVE 03/04/14

ZONING MAP OF
TOWN OF RICE LAKE

- | | | | |
|----------------|------------------|------------|------------------|
| RURAL 1 | PUD | PUBLIC | COUNTY ROAD |
| RURAL 2 | PUBLIC | COMMERCIAL | TOWNSHIP ROADS |
| RURAL RES 1 | LIGHT INDUSTRIAL | INDUSTRIAL | UNIMPROVED ROADS |
| RURAL RES 2 | CLR | | AIRPORT ZONING A |
| MULTI-UNIT RES | | | AIRPORT ZONING B |
| SHORELAND | | | AIRPORT ZONING C |

PREPARED BY:
**TOWN OF RICE LAKE
 PLANNING COMMISSION**



Jean Duluth Road



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