



**Planning & Development Division**  
*Planning & Economic Development Department*

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<b>File Number</b>	PL 19-148	<b>Contact</b>	Steven Robertson	
<b>Type</b>	Rezone from R-1 to MU-N	<b>Planning Commission Date</b>	January 14, 2020	
<b>Deadline for Action</b>	<b>Application Date</b>		<b>60 Days</b>	N/A (City Application)
	<b>Date Extension Letter Mailed</b>	N/A	<b>120 Days</b>	
<b>Location of Subject</b>	Intersection of Oxford Street and Woodland Avenue			
<b>Applicant</b>	City of Duluth	<b>Contact</b>	Planning and Development	
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	See Attached Map			
<b>Site Visit Date</b>	December 31, 2019	<b>Sign Notice Date</b>	December 31, 2019	
<b>Neighbor Letter Date</b>	December 27, 2019	<b>Number of Letters Sent</b>	66	

**Proposal**

The City proposes rezoning property from the current zoning of R-1 (Residential-Traditional) to MU-N (Mixed Use Neighborhood). The proposal is consistent with the Comprehensive Plan.

**Staff Recommendation**

Staff is recommending approval of the proposed rezoning to MU-N.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Residential, Commercial	Neighborhood Mixed Use
<b>North</b>	R-1	Residential	Traditional Neighborhood, Open Space
<b>South</b>	R-1	Residential	Traditional Neighborhood
<b>East</b>	R-1	Residential	Traditional Neighborhood
<b>West</b>	R-1	Residential	Traditional Neighborhood

**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:

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

### Governing Principles

Principle 5 -Promote reinvestment in neighborhoods.

Duluth is strongly defined by its neighborhoods. This system should be supported through land use and transportation that foster neighborhood reinvestment. New development or redevelopment should maximize public investment that strengthens neighborhood commercial centers or diversifies residential opportunities that fit the neighborhood's character.

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 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.

### History

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 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".

## **Review and Discussion Items:**

- 1) The City proposes rezoning property from the current zoning of R-1 (Residential-Traditional) to MU-N (Mixed Use Neighborhood). The proposal is consistent with the Comprehensive Plan.
- 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 MU-N district is to accommodate a mix of neighborhood-scale, neighborhood 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.
- 5) 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.
- 6) Based on the development pattern of adjacent areas, character of the subject area, and the purpose statement of the MU-N district, rezoning as proposed in the attached map is appropriate for this area.

7) No written correspondence has been received as of the date that this memo was printed. One citizen called and voiced concern to the rezoning and redevelopment of this area and potential tax impact on rezoning, and another contacted the office and expressed concerns over the possibility of a potential new gas station. An optional public information meeting is scheduled for the evening of January 7, and comments from the public are anticipated at that meeting.

**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 attached map.

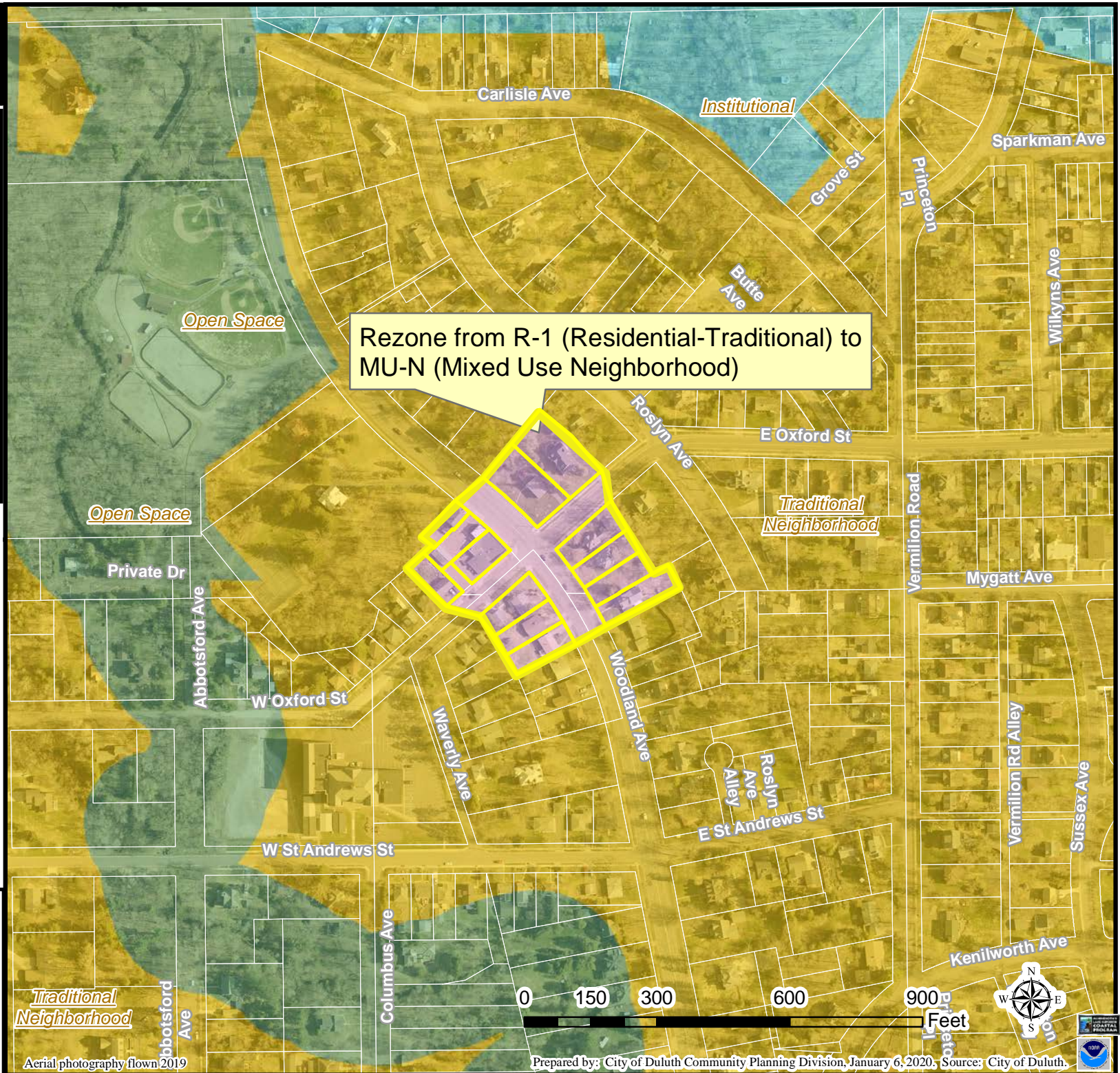
- 1) The proposed zone districts are the most reasonably able to implement the objectives of the Comprehensive Plan related to the land use for this area.
- 2) Material adverse impacts on nearby properties are not anticipated.



### 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

Rezone from R-1 (Residential-Traditional) to MU-N (Mixed Use Neighborhood)



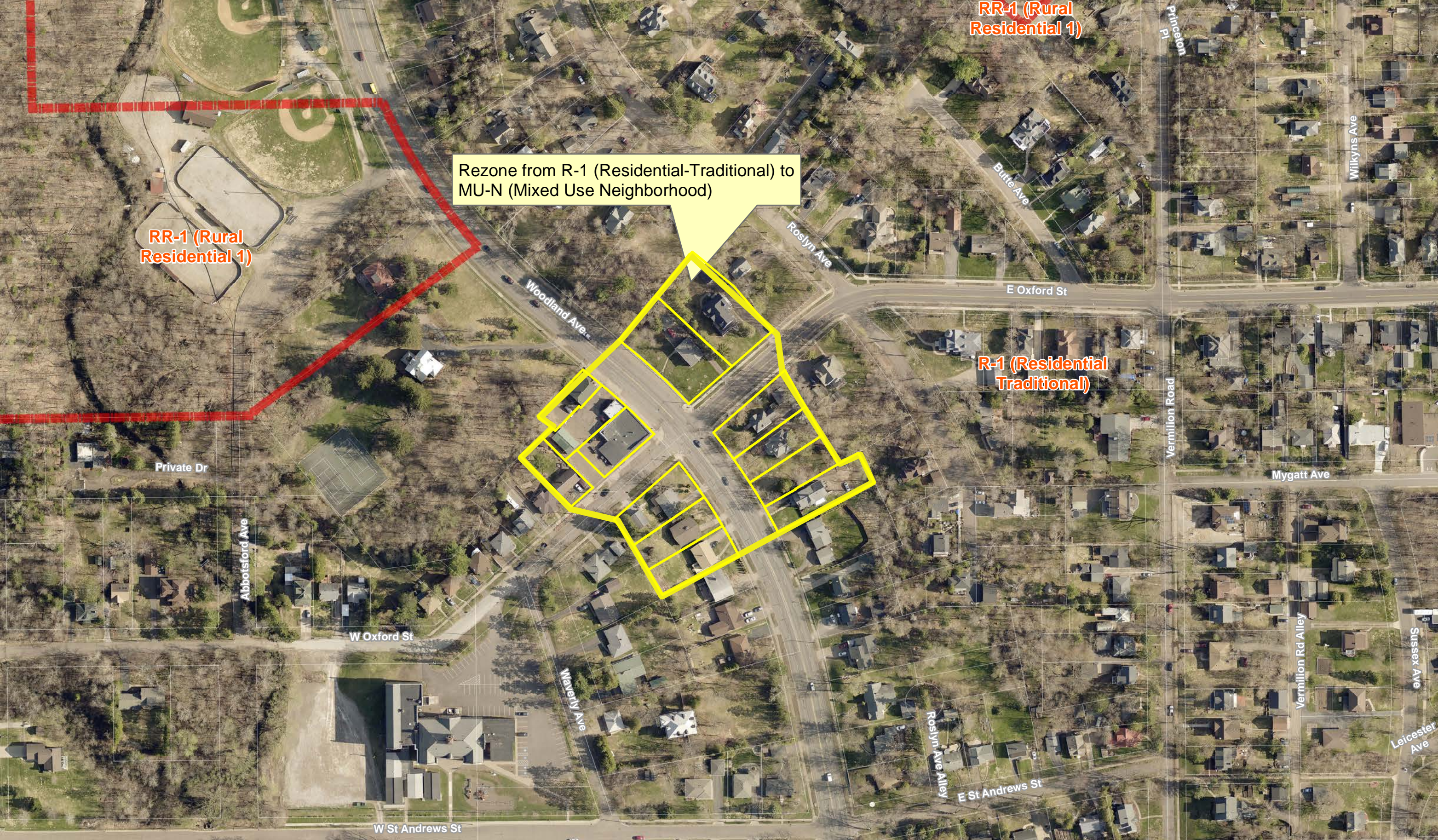
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used 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 2019

Prepared by: City of Duluth Community Planning Division, January 6, 2020. Source: City of Duluth.





RR-1 (Rural Residential 1)

RR-1 (Rural Residential 1)

Rezone from R-1 (Residential-Traditional) to MU-N (Mixed Use Neighborhood)

R-1 (Residential Traditional)

Private Dr

Abbotsford Ave

W Oxford St

W St Andrews St

Waverly Ave

Woodland Ave

Roslyn Ave

Roslyn Ave Alley

E St Andrews St

Butte Ave

E Oxford St

Princeton Pl

Vermilion Road

Mygatt Ave

Vermilion Rd Alley

Wilkyns Ave

Sussex Ave

Leicester Ave



## Haines and Arrowhead (Site 12)

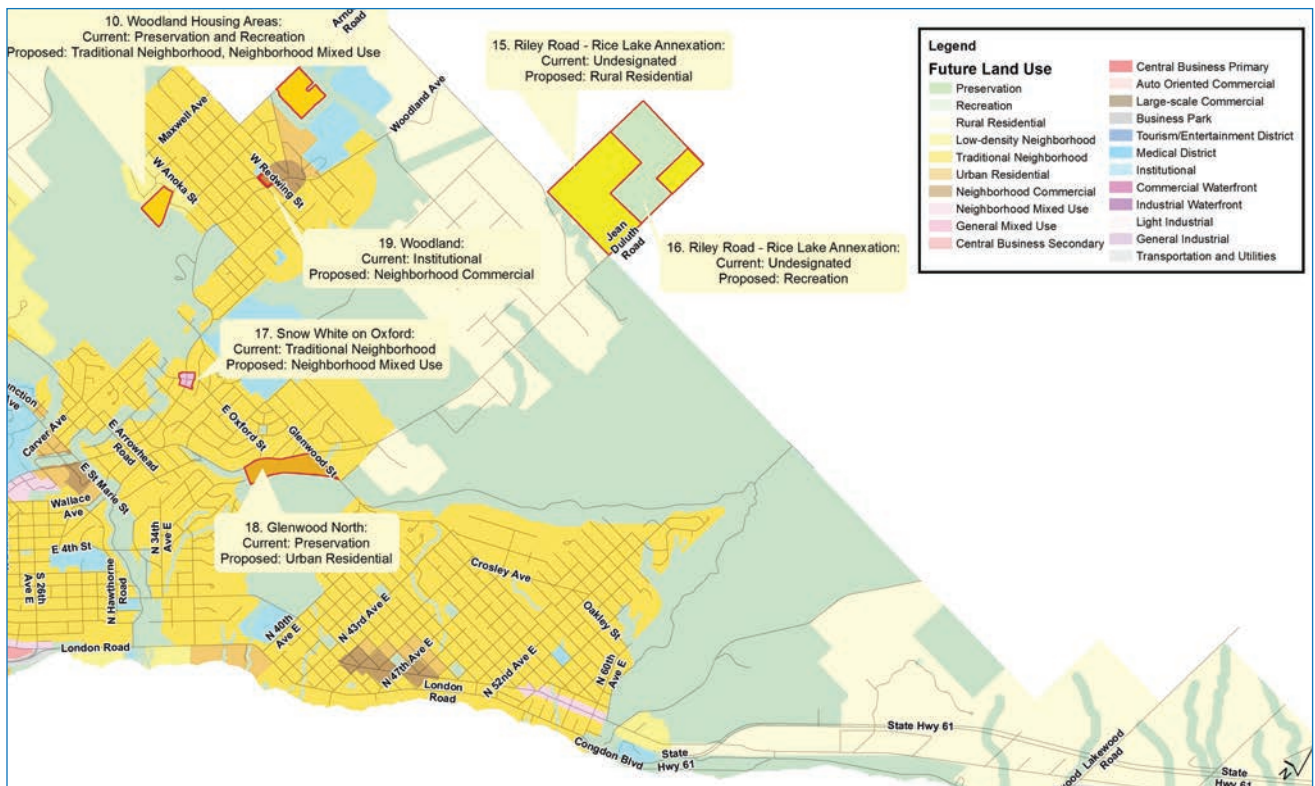
This area had been designated Auto-Oriented Commercial. It is changed to Central Business Secondary to continue to accommodate commercial activities which are complementary to surrounding uses in both Duluth and Hermantown.

## 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 Mixed Use-Neighborhood (MU-N) Zone District Revised January 2019

## Permitted Uses

- Dwelling, one family
- Dwelling, two-family
- Dwelling, townhouse
- Dwelling, multi-family
- Dwelling, live-work
- Co-housing facility
- Residential care facility/assisted living (6 or fewer)
- Residential care facility/assisted living (7 or more)
- Rooming house
- Bus or rail transit station
- Club or lodge (private)
- Government building or public safety facility
- Museum, library, or art gallery
- Park, playground, or forest reserve
- Religious assembly, small (less than 50,000 sq. ft. or more)
- Religious assembly, large (50,000 sq. ft. or more)
- Business, art, or vocational school
- School, elementary
- Medical or dental clinic
- Nursing home
- Agricultural, community garden
- Veterinary or animal hospital
- Bed and breakfast
- Office
- Preschool
- Day care facility, small (14 or fewer)
- Day care facility, large (15 or more)
- Personal service and repair, small (less than 10,000 sq ft)
- Grocery store, small (less than 15,000 sq ft)
- Retail store not listed, small (less than 15,000 sq ft)

## Special Uses

- Manufactured Home Park
- Cemetery or mausoleum
- School, middle or high
- Bank
- Data Center
- **Agricultural, farmers' market**
- Agricultural, urban
- Restaurant (less than 5,000 sq ft)
- Theater
- Hotel or motel
- Funeral Home or Crematorium
- Personal service and repair, large (10,000 sq ft or more)
- Automobile and light vehicle repair and service
- Filling Station
- Parking Lot (primary use)
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Water or sewer pumping stations/reservoirs

## Interim Uses

- Vacation dwelling unit

Uses Allowed in Residential-Traditional (R-1) Zone District  
Revised January 2019

Permitted Uses

- Dwelling, one-family
- Dwelling, two-family
- Residential care facility/assisted Living (6 or fewer)
- Park, playground or forest reserve
- School, elementary
- Agriculture, community garden
- Day care facility, small (14 or fewer)

Special or Interim Uses

- Dwelling, townhouse
- Manufactured Home Park
- Co-housing facility
- Residential care facility/assisted living (7 or more)
- Cemetery or mausoleum
- Government building or public safety facility
- Museum, library, or art gallery
- Religious assembly, small (less than 50,000 sq. ft. or more)
- Religious assembly, large (50,000 sq. ft. or more)
- School, middle or high
- Agriculture, urban
- Bed and breakfast
- Preschool
- Day care facility, large (15 or more)
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Water or sewer pumping stations/reservoirs

Interim Uses

- Vacation dwelling unit
- Accessory vacation dwelling unit