



CITY OF DULUTH

Community Planning Division

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File Number	PL 17-162	Contact	Steven Robertson	
Type	UDC Map Amendment, Rezone from I-W to R-1, R-C, and P-1	Planning Commission Date	November 14, 2017	
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				
Applicant	City of Duluth, Community Planning	Contact		
Agent	N/A	Contact		
Legal Description				
Site Visit Date	October 30, 2017	Sign Notice Date	October 30, 2017	
Neighbor Letter Date	October 24, 2017	Number of Letters Sent	132	

Proposal

The City is proposing to rezone properties in the general area of the Indian Point Campground, and areas between South 63rd and 73rd Avenue West, and Milford and Freemont Streets, from Industrial Waterfront (I-W) and Residential-Traditional (R-1), to Parks and Open Space (P-1) and Rural-Conservation (R-C), in conformance with the Comprehensive Plan's Future Land Use Map.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	I-W, R-1	Housing, Undeveloped	Preservation
North	R-1	Housing	Traditional Neighborhood
South	N/A	N/A	N/A
East	R-1, I-G	Housing, Undeveloped	Traditional Neighborhood, Industrial
West	R-P, MU-N	Housing, Commercial	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.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):

Preservation: Lands with substantial restrictions. High natural resource or scenic value, or severe Development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls. Examples include: most city parklands and primary viewsheds; shorelands of lake, rivers, streams; wetlands and floodplains; high-value habitat; low-intensity private or public uses.

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 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, provides natural infrastructure as storm water retention, plant and animal habitat and water quality, and is the strongest visual element defining Duluth's sense of place.

Recent History: Prior to the adoption of the UDC in November 2010, most of the subject area was zoned W-1, Waterfront District, with the remainder being zoned R-2, Two Family Residential. Included with this staff report is a zoning map from the Duluth Zoning Regulations, 1981.

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. This proposed rezoning is to update the city's zoning map so that it matches the community's vision from the 2006 Comprehensive Land Use Plan. The City is amending the zoning map throughout the city, 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 months.
- 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) Area A (in the yellow box of the Proposed Rezoning Area Map) has a future land use designation of Traditional Neighborhood, which translates into the R-1 zoning district. It is currently zoned I-W, and the current land use is residential (part of adjacent single family home parcels). The three tax parcels in this rezoning area are owned by three different private citizens.
- 4) Area B (in the blue box of the Proposed Rezoning Area Map) has a future land use designation of Preservation. It is currently zoned R-1 and I-W, and the current land use is generally undeveloped, or used for the Western Waterfront Trail; almost all are within the shoreland. Most of the parcels are City owned, but several are owned by private property owners (along the bay) and two parcels are owned by Midwest Communications for their towers.
- 4) Area C (also in the blue box of the Proposed Rezoning Area Map) has a future land use designation of Preservation. It is currently zoned R-1, and the current land use is generally undeveloped, or used for the Western Waterfront Trail; much of the land is within a shoreland or floodplain. Most of the parcels are City owned, but two are tax forfeit and one is owned by a private citizen.
- 5) Area D (in the green box of the Proposed Rezoning Area Map) has a future land use designation of Preservation. It is currently zoned R-1 and I-W. All the parcels are city owned, and used primarily for Indian Point Campground and Western Waterfront Trail.
- 6) The I-W district is intended to provide for water-dependent and port-dependent industrial uses. Office uses are allowed provided they are clearly incidental to and supportive of on-site industrial uses. This district should be located away from residential development. The river adjacent to this area is not dredged for waterborne

commerce; even if the I-W designation were to remain, there would be no practical industrial-waterfront use.

7) The purpose of the R-1 district is 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.

8) The R-C district is established to accommodate low-density, single-family detached residential uses on parcels of at least ten acres each in areas where the comprehensive land use plan calls for protection of rural character. The district encourages development designs that conserve open space and natural resources and preserve rural character. Complimentary uses such as limited agriculture, parks, minor utilities and certain temporary uses are allowed.

9) The P-1 district is intended 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 (e.g., walking paths, picnic tables) and active recreational (e.g., playgrounds, ball fields, tennis courts) 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. All uses and structures shall be compatible in scale, design and impact with the natural features and character of the land.

10) Based on the future land use designation, character and development history of this neighborhood and the purpose statements of the I-W, R-1, R-C, and P-1 zone districts, rezoning as proposed in the attached map, titled Attachment 1 Exhibit, is appropriate for this neighborhood.

11) The city, as of the date this was written, has received no formal written comments nor phone calls in regard to this proposal. Based on additional input from the Parks and Recreation Department, the proposed boundary of area D (proposed to be rezoned to P-1), may change to better reflect park boundaries.

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

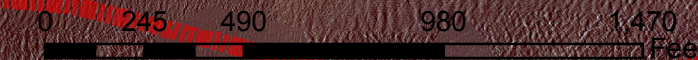


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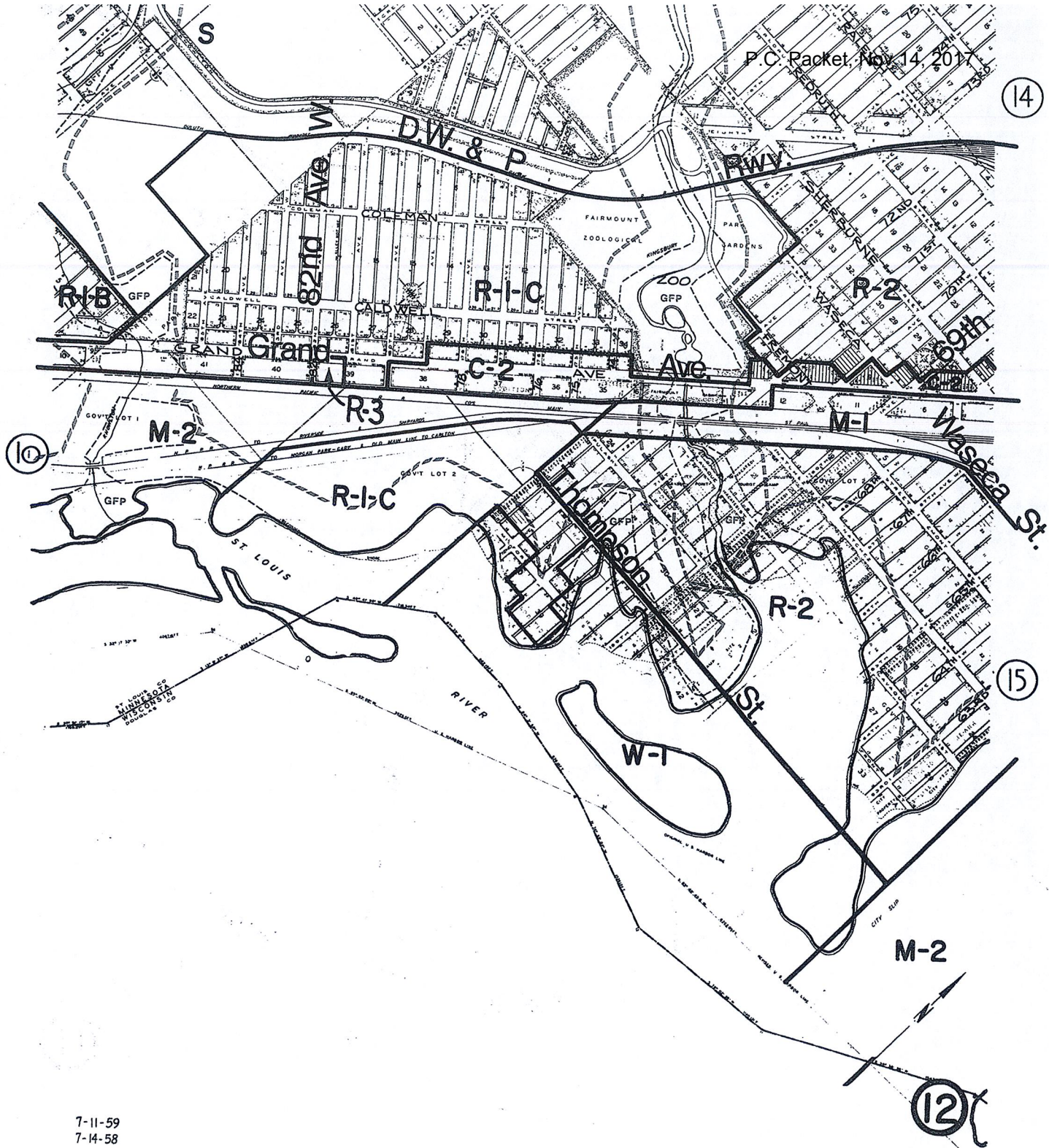


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Aerial photography flown 2016



14



7-11-59
7-14-58

Red indicates approximate area subject to Flood Plain and Shoreland Management Regulations
(See chapter 51 of the legislative code. Wetlands are also regulated by chapter 51 but are not shown on this map.)

(As amended by Ord. No. 7203, 6-8-59; Ord. No. 7883, 11-8-71, § 1; Ord. No. 8003, 8-6-73; Ord. No. 8184, 11-10-75, § 1.)

Uses Allowed in Residential-Traditional (R-1) Zone District Revised September 25, 2017

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

Uses Allowed in Rural-Conservation (R-C) Zone District Revised September 25, 2017

Permitted Uses

- Dwelling, one-family
- Park, playground, or forest reserve
- Agriculture, community garden
- Agriculture, general
- Seasonal camp or cabin
- Day care facility, small (14 or fewer)

Special or Interim Uses

- Cemetery or mausoleum
- Kennel
- Riding stable
- Veterinarian or animal hospital
- Recreational Vehicle Park
- Airport and related facilities
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Water or sewer pumping stations/reservoirs

Uses Allowed in Parks and Open Space (P-1) Zone District Revised September 25, 2017

Permitted Uses

- Park, playground, or forest reserve
- Golf Course

Special or Interim Uses

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