



Planning & Development Division
Planning & Economic Development Department

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File Number	PL 24-011	Contact	John Kelley, jkelley@duluthmn.gov	
Type	UDC Map Amendment	Planning Commission Date	March 12, 2024	
Deadline for Action	Application Date	January 25, 2024	60 Days	March 25, 2024
	Date Extension Letter Mailed	February 8, 2024	120 Days	May 24, 2024
Location of Subject	Adjacent to and north of Bald Eagle Circle, Hawks Ridge Estates Subdivision			
Applicant	New Haven, LLC	Contact		
Agent	Nick Ericson, President	Contact		
Legal Description	010-0090-00480, 010-0090-00490, 010-0090-00500, and 010-2119-00530			
Site Visit Date	March 1, 2024	Sign Notice Date	February 27, 2024	
Neighbor Letter Date	February 23, 2024	Number of Letters Sent	29	

Proposal

UDC Map Amendment/Rezoning to change the zoning of approximately 4 acres from Residential-Traditional (R-1) to Residential-Planned (R-P) for proposed residential development.

Staff Recommendation

Staff recommend that the Planning Commission recommend approval of the rezoning amendment to the City Council (via ordinance).

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Vacant/Undeveloped	Traditional Neighborhood, Open Space
North	P-1	Park	Open Space
South	R-1	Residential	Traditional Neighborhood
East	P-1	Park	Open Space
West	P-1	Park	Open Space

Summary of Code Requirements

- UDC Sec. 50-14.07.E: The establishment of an R-P district requires rezoning the property per Section 50-37.3 from a current zone district to R-P and the approval of an R-P plan that governs the uses, location, density, dimensional standards and character of the proposed project.
- 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.

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

Governing Principles

- Governing Principle #5 – Promote reinvestment in neighborhoods. New development should maximize public investment that strengthens neighborhood commercial centers or diversifies residential opportunities. This project creates a combination of residential uses on individual site(s), common open space and amenity areas, conserves natural features by protecting the shoreline zone at Amity Creek and the hillside which supports several significant trees below Skyline Parkway, and increases pedestrian connectivity by including hiking and biking trail amenities.
- Governing Principle #8 – Encourage a mix of activities, uses, and densities. This project provides a variety of housing types including cottage and traditional homes.

Policies and Strategies

- Housing Policy #2 - Provide affordable, attainable housing opportunities. This project will provide space for additional market-rate housing.
- Housing Policy #4 – Improve the quality of the city’s housing stock and neighborhoods. This rezoning will allow the development of quality housing, open space and amenities, and good site design, which meets several of this policy’s strategies.

Zoning:

- Residential-Traditional (R-1): Traditional neighborhoods of single-family, duplexes and townhouses on moderately sized lots. Intended to be used primarily in established neighborhoods.

Future Land Use:

- 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.
- 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.

History:

- Hawk Ridge Estates First Addition was platted in 2006. One lot from this subdivision is included in this rezoning proposal.

Review and Discussion Items:

Staff finds that:

1. The applicant's property currently consists of three parcels in the AUDITOR'S PLAT OF LESTER PARK GARDEN TRACTS plat and one parcel in the HAWK RIDGE ESTATES FIRST ADDITION plat. The combined area to be rezoned from R-1 to R-P is approximately 4 acres. The applicant intends to replat the three parcels in the AUDITOR'S PLAT OF LESTER PARK GARDEN TRACTS plat to better fit the proposed development.
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 and the generally applicable provisions of the adopted comprehensive plan. The future land use category of the proposed development area is traditional neighborhood and recommends a mix of housing types, conservation development as an option, and a density of 4-8 units per acre.
3. The purpose of the R-P district is established to provide a flexible development option for residential projects that integrate creative site design, provide a variety of housing types, provide unique on-site amenities, conserve natural features, increase pedestrian connectivity, or otherwise result in a final product that provides a greater level of public benefit than would be required under the existing zone district. Each R-P district requires approval of an R-P regulating plan that includes the location, type and intensity of proposed development and a description of public amenities or benefits included. Single-family residences, two-family residences and townhouses, as well as accessory uses, are permitted, provided projects are compatible in scale and character with the surrounding neighborhood and are included in the approved R-P plan.
4. The Concept Plan identifies several areas for residential homes, accessory uses and civic spaces. The site includes a mixture of 3 acres to be developed, inclusive of street right of way, and approximately 1 acre for open space and amenities. The plan suggests a residential density of 8 units per acre and maximum density of 10 units per acre, inclusive of accessory dwelling units. The plan also suggests a maximum of approximately 45,000 square feet for nonresidential land uses.
5. The Concept Plan identifies approximately 1 acre to be preserved throughout the R-P zone. This amounts to 30% of the R-P zoned area, which meets the required by R-P zone standards in Sec. 50-15.14.F04. The plan does mention a Homeowners Association; however, the plan provides no details for how the land will be permanently preserved and who will maintain it. Staff recommends that that these details be specified in the regulating plan.
6. The Concept Plan also shows a sidewalk in the common landscaped areas and pedestrian pathways connecting to existing trails on Skyline Parkway and to hiking and biking trails in the Amity Creek area. Sidewalk is also shown on the plan running along the east side of a proposed public or private road.
7. A Public meeting was held on November 18, 2023, at 5:00 pm at the Portman Community Recreation Center with 19 attendees; on November 20, 2023, at 9:00 am on the project site with two attendees, and online via email on November 22, 2023, at 3:30 pm with four people on the email chain. Please see attached meeting minutes.
8. The following comments were received from City Staff: This particular project will need to have a stormwater management plan developed as part of the project. The project site drains directly towards to Amity Creek, a DNR trout stream, this is a high value water resource. The stormwater management plan will need to be completed by a licensed Civil Engineer. One public comment via email was received (see attached).

Staff Recommendation:

Based on the above findings, staff recommends to Planning Commission the UDC Map Amendment be recommended for approval by City Council for the following reasons:

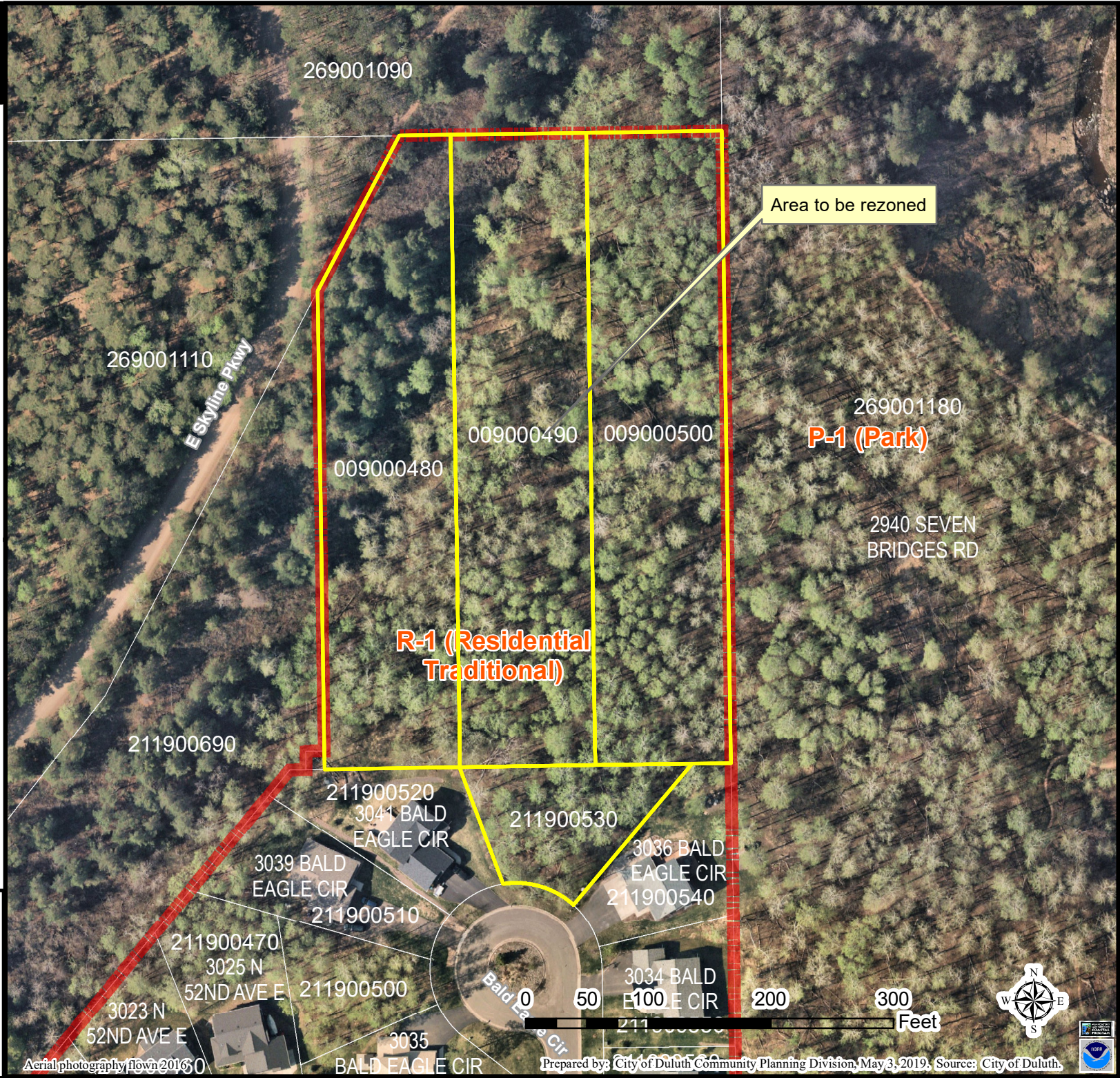
- 1) This proposal is consistent with the Comprehensive Land Use Plan.
- 2) The proposed amendment is consistent with the future land use category of Traditional Neighborhood and Open Space
- 3) Material adverse impacts on nearby properties are not anticipated.



PL 24-011
Rezoning R-1 to R-P
Area Map

Legend
Zoning Boundaries

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.





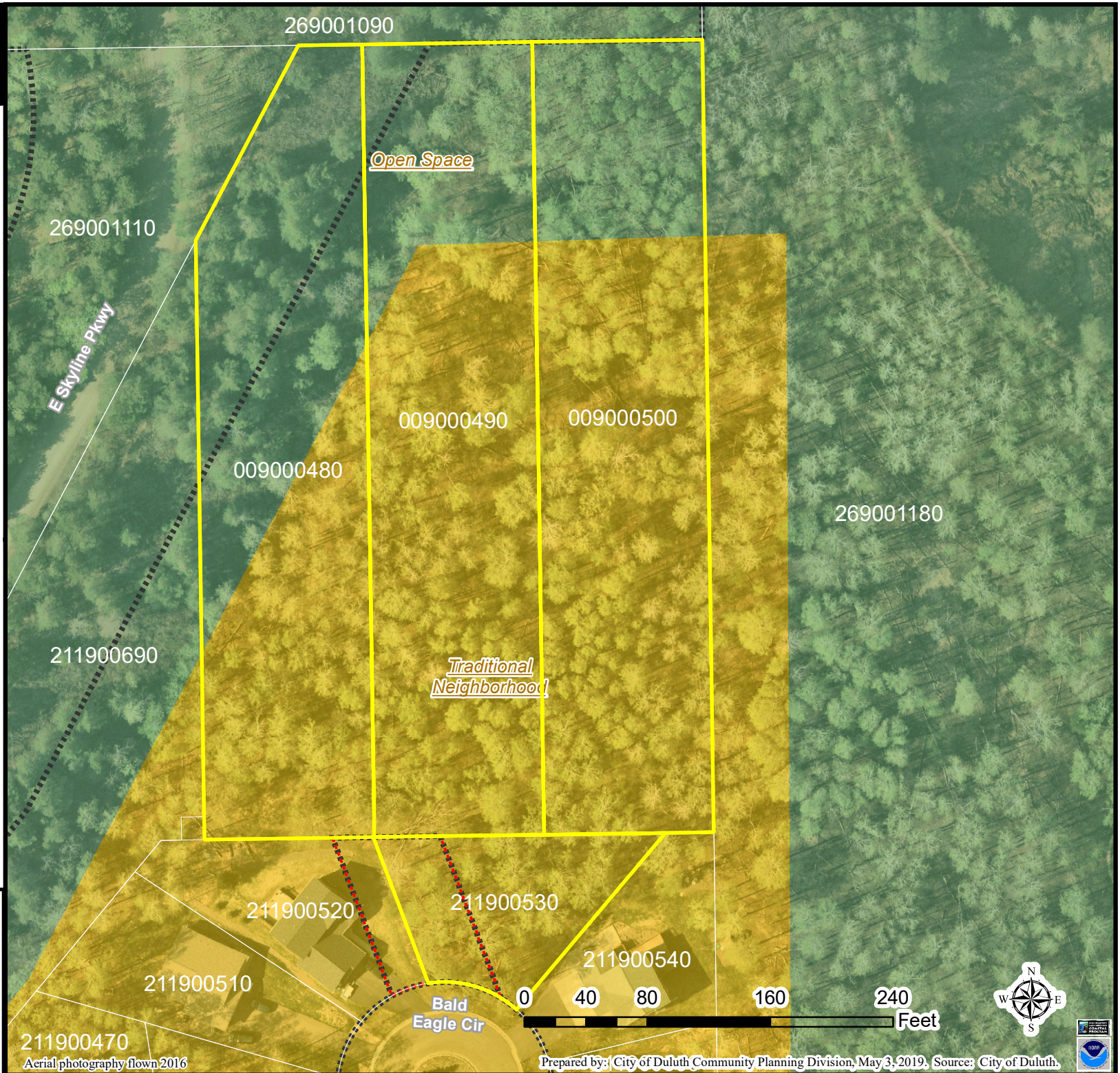
PL 24-011
Future Land Use

Legend

■■■■ Road or Alley ROW

Easement Type

- ▨ Utility Easement
- ▨ Other Easement
- 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



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Aerial photography flown 2016

Prepared by: City of Duluth Community Planning Division, May 3, 2019, Source: City of Duluth.



R-P DISTRICT REQUIREMENTS

R-P CONCEPT MAP



BALD EAGLE ESTATES

GENERAL USES WITHIN THE AREA		50-14.7.H.1.(a)
PLAN KEY	USE CATEGORY	
<u>RESIDENTIAL</u>	RESIDENTIAL USES	
<u>CIVIC</u>	PUBLIC, INSTITUTIONAL AND CIVIC USES	
<u>COMMERCIAL</u>	COMMERCIAL USES (IN RESIDENTIAL AND CIVIC)	
<u>ACCESSORY</u>	ACCESSORY USES	
<u>TEMPORARY</u>	TEMPORARY USES	

DENSITY AND DIMENSIONAL STANDARDS			50-14.7.H.1.(b & c)
MAXIMUM RESIDENTIAL DENSITIES		MAXIMUM SQUARE FOOTAGE FOR NONRESIDENTIAL LAND USES	MAXIMUM BUILDING HEIGHTS
8 units per acre	26 DU	45,398	45 ft
10 units per acre (with ADU)	+7 ADU		

DESCRIPTION OF PUBLIC AMENITIES OR BENEFITS INCLUDED		50-14.7.A
Public trail connection to Skyline Parkway.	20' wide easement for trail connection to the open space adjacent to Skyline Parkway. The small project to build a stair structure within this easement will be recommended to the home owners' association to serve as a common goal and project to build community camaraderie.	
Public trail connection to Amity West hiking and biking trail.	10' wide easement on Lot 50 AUDITOR'S PLAT OF LESTER PARK GARDEN TRACTS and Lot Eighteen (18), Block Four (4), HAWK RIDGE ESTATES FIRST ADDITION for public trail connection from Bald Eagle Circle to Amity West hiking and biking trail.	
Passive open space for Skyline Parkway.	Passive open space dedicated to conserve natural vegetation within Skyline Parkway overlay. Management and construction of pedestrian trails to be performed by the home owners' association.	
Active and Passive open space for Amity Creek.	Passive open space dedicated to conserve shorelands protecting Amity Creek and to provide for storm water management. Pedestrian walkways and/or paths are allowed within this space. Infrastructure to support a future active amenity space is provided for within this space.	
Active common open space	20% common open space within the cottage home community includes an active play field, passive landscaping areas, a community building with indoor and outdoor seating areas and restroom. Stormwater management will be incorporated beneath the play field.	
Common area garages	Central common area for garages and a maintenance building will be located in a central common space.	
Solar panel array infrastructure	Infrastructure for future solar panel array to be centralized and located on the common area garage roofs. The garage roofs will be designed, orientated and sloped to maximize solar potential. Conduit will be provided to allow ease and flexibility for future installation of additional panels. Covenants and/or solar easement will be provided to reduce shadows from being cast upon the panel array location.	

BALD EAGLE ESTATES

CONCEPT PLAN TABLE 50-14.7: MODIFICATIONS ALLOWED	
CHAPTER REQUIREMENT	MAXIMUM MODIFICATION ALLOWED
Distance from property lines	No required yards.
Lot frontage	No required minimum lot frontage.
Lot area, general	No required minimum lot area.
Building height	50% increase. Height specification due to Skyline Parkway. Structures shall be located and designed so that no part of the structure (other than chimneys) extends taller than three feet above the elevation of Skyline Parkway closest to the structure.
Parking	Minimum of 1 space per dwelling unit. Located within 250 ft. walking distance of dwelling.
Landscaping	Alternative or off-site landscaping permitted.
Street cross-section	Public or private street permitted, as determined by City Engineer. If private street provided, cross section as determined by Land Use Supervisor. 20 ft. drive lanes and 4 ft. sidewalks similar to street type: S20 approved by the City of Duluth for use in the Harbor View/Central Hillside Revitalization Traditional Neighborhood Development Code amended March 10, 2008 are allowed. Sidewalkes routed separate from street are allowed.

R-P DISTRICT DIMENSIONAL STANDARDS									50-14.7.H.2.(b)	
DEVELOPMENT PARCEL	MIN LOT SIZE	MIN LOT WIDTH	SETBACKS						MAX BUILDING HEIGHT	
			PERIMETER	FRONT	REAR	CORNER	SIDE	GARAGE SIDE		ACCESSORY STRUCTURE
<u>RESIDENTIAL</u>	2000 sf	30 ft	5 ft	5 ft	5 ft	5 ft	5 ft	0 ft	0 ft	45 ft
<u>CIVIC</u>	0 sf	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	35 ft
<u>ACCESSORY</u>	0 sf	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	45 ft

Matt and Karen Hanka
3032 Bald Eagle Cir.
Duluth, MN 55804

Via Email: planning@duluthmn.gov
Duluth Planning & Development Division
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Duluth, MN 55802

**Re: PL24-011 UDC Map Amendment at 3038 Bald Eagle Circle
New Haven, LLC Zoning Application from R-1 to R-P**

Dear Staff and Planning Commission:

This letter concerns an application by New Haven, LLC to change the current zoning at parcel #s 010-0090-00480, 010-0090-00490, 010-0090-00500 and 010-2119-00530 located adjacent and north of Bald Eagle Circle, and directly adjacent to Lester Park and Hawk Ridge from R-1 (Traditional Residential) to R-P (Residential Planned). New Haven requests an inappropriate development “blank slate” with the maximum R-P variations listed at Table 50-13.7-1 of the UDC. We oppose this zoning change for the reasons cited herein.

The subject parcels are directly adjacent to a traditional R-1 zoned single family neighborhood. The subject parcels are also directly adjacent to a heavily utilized and scenic northwestern section of Lester Park, and the elevated banks of Amity Creek. The subject parcels are further directly adjacent to, and directly below, Hawk Ridge. The subject parcels are literally at the “end of the road” in the Lester Park neighborhood, and surrounded by popular wilderness parkland.

As you are aware, R-1 zoning is to accommodate a traditional neighborhood. It is used in “established neighborhoods” – like Lester Park. The dimensional standards in the R-1 zone require “development and redevelopment to be consistent with development patterns, building scale, and building location of nearby areas.” The overwhelming majority of the Lester Park/Lakeside neighborhoods are zoned traditional R-1. The subject parcels are zoned R-1. The current zoning will allow for reasonable development in harmony with the surrounding existing neighborhoods and park. In short, the existing zoning will allow New Haven, LLC to play by the exact same rules as the rest of Lester Park/Lakeside.

R-P zoning exists to provide a “flexible development” option with public benefits. That in and of itself is fine. However, the exceptional variances that New Haven requests through its application are not at all “compatible in scale and character” with the surrounding R-1 neighborhood and park. Moreover, the application fails to identify actual public benefits.

The application is challenging to decipher. It contains a number of general policy statements and verbatim repetition of the UDC language. It contains one small “General Layout of Development Areas” map that purports to show a future development at page 5. The application

mentions “single-family, duplex, cottage homes, and townhomes” at page 1. However, it’s still mostly unclear to us what exactly New Haven plans to do with the subject parcels.

What does seem consistent throughout the application is that New Haven wants to be free to develop the parcels however they want with little oversight, “reduced setbacks”, “small lots” and “significant density”. What New Haven wants is a development “blank slate” with the maximum modifications listed at Table 50-13.7-1. For example, New Haven requests “no required yards”, “no required minimum lot frontage”, “no required minimum lot area” and a “50% increase” in allowable building heights (bringing the requested heights to 45’, or 15’ taller than the surrounding traditional R-1 zone). None of that is “compatible in scale and character with the surrounding neighborhood” and park. Indeed, increased building heights in and of itself would interfere with the view from adjacent Hawk Ridge – something that is specifically forbidden by Table 50-14.7-1.

Finally, the UDC requires that an R-P development plan provide for “public amenities or benefits”. New Haven’s application fails this test. First, New Haven’s application lists open spaces (both passive and active) as a benefit. However, the parcels are currently open, as they are undeveloped. Retaining some open space is not a new public amenity or benefit. And indeed, the current R-1 zoning already requires appropriate set-backs from the park and other property. Second, the application mentions a central “common open space” for the development along with “RV parking”. These are not benefits to the public. They are benefits to the development’s owners/users. Finally, the application lists “public trail” connections. However, the adjacent Hawk Ridge development already contains multiple dedicated public trail accesses to both Lester Park and Hawk Ridge. Notably, the application fails to describe where the public is to park vehicles to utilize these new public accesses – which is a real concern for the adjacent neighborhood. The application fails to establish actual and needed public amenities and benefits as required for an R-P development.

New Haven can fairly develop the subject parcels with the current R-1 zoning. There is nothing compelling in the application that leads us to believe that New Haven should be granted the exceptional variances that they request. The parcels should remain zoned as R-1.

Thank you for your consideration.

Sincerely,

Matt and Karen Hanka