



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PL 22-215	Contact	Jenn Moses	
Type	UDC Map Amendment	Planning Commission Date		January 10, 2023
Deadline for Action	Application Date	November 9, 2022	60 Days	January 8, 2023
	Date Extension Letter Mailed	December 21, 2022	120 Days	March 9, 2023
Location of Subject		Parcel 010-3380-00027 and Part of 010-3380-00035, adjacent to platted Elizabeth Street		
Applicant	Anthony Smith	Contact	Twin Ports Dermatology	
Agent	Arola Architecture	Contact	Wes Stabs	
Legal Description		See Attached		
Site Visit Date		January 3, 2023	Sign Notice Date	December 27, 2022
Neighbor Letter Date		December 16, 2022	Number of Letters Sent	26

Proposal

UDC Map Amendment (rezoning) to change the zoning of approximately 0.7 acres from Residential-Traditional (R-1) to Residential-Urban (R-2).

Staff Recommendation

Staff recommend that the Planning Commission recommend approval of the rezoning amendment to the City Council

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Undeveloped	Traditional N'hood, Neighborhood Commercial
North	MU-N	Commercial	Neighborhood Commercial
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	MU-N and R-P	Commercial, Multi-family	Urban Res., N'hood Mixed Use, Open Space

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.

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

Governing Principle #5 – Promote reinvestment in neighborhoods. Foster neighborhood reinvestment; new development or redevelopment should strengthen neighborhood commercial centers or diversify residential opportunities. Mt. Royal is identified as a Core Investment Area in the comprehensive plan.

Future Land Use – Neighborhood Commercial: Small- to moderate-scale commercial, serving primarily the adjacent neighborhood(s)...typically situated in or adjacent to residential neighborhoods.

Future Land Use – Traditional Neighborhood: Characterized by grid or connected street pattern ... limited commercial, schools, churches, and home businesses. Includes many of Duluth's older neighborhoods, infill projects, neighborhood extensions, and new traditional neighborhood areas.

History: The area was originally platted in 1910 as part of the Mount Royal Division of Duluth. Both parcels proposed to be rezoned were split off from the original lots and never developed for housing.

Review and Discussion Items:

Staff finds that:

1. Property owned by the applicant includes three parcels adjacent to the Mt. Royal commercial area they are proposing for future development. One parcel, separated from the other two by platted Elizabeth Street, is currently zoned R-2. The applicants propose to rezoning a small triangular parcel and a portion of a second parcel to R-2 to allow for future development of a dermatology clinic.
2. Both parcels proposed for rezoning were split off from platted Lots 1 and 2, but were never developed for housing. Parcel 010-3880-00027, which fronts solely on platted Elizabeth Street, would be challenging to build on due to the setbacks required. In addition, the cost of extending Elizabeth Street for a residential house would be prohibitive. Parcel 010-3380-0035 is a total of 1.17 acres, of which 0.53 acres is proposed for rezoning; about half of this is already within a future land use area shown as Neighborhood Commercial, a reflection of these parcels' proximity to the Mt. Royal commercial area.
3. Rezoning this additional area (which combined equals about 0.7 acres) would allow a larger development parcel for the dermatology clinic, allowing space for parking, stormwater, and landscaping. The applicant intends to submit a future application to vacate Elizabeth Street to create one developable parcel.
4. A clinic is a Special Use Permit in the R-2 district. Other allowed uses in the R-2 district include a variety of residential uses, daycare, and other uses listed in UDC Section 50-19.8 Some commercial uses (like office and restaurant) require Special Use Permits. In addition to the street vacation noted above, the applicant intends to apply for a Special Use Permit in the future.
5. The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan. A portion of the area to be rezoned is indicated for Neighborhood Commercial, and the Mt. Royal area is indicated as a Core Investment Area.
6. The proposed area is consistent with the purpose statement of the R-2 zone which is primarily for locations closer to commercial and mixed-use activity centers and may serve as a transition between activity centers and lower-density residential areas.
7. Although not a required part of the map amendment process, the applicant held a neighborhood meeting on Monday, December 12, with 9 neighbors in attendance. Neighbors asked questions about the proposed development, expressed disappointment that any development could happen on the parcel, and expressed concerns about future stormwater impacts to their property. Based on the neighbor concerns about stormwater, staff received the attached information from City Engineering. The applicant made changes to the concept plan based on this meeting; the original concept and revised concept are attached.
8. This amendment is not anticipated to create material adverse impacts on nearby properties due to the requirements contained in City ordinances including storm water management rules that will require the treatment of all storm water on site, zoning rules that will require landscape buffers adjacent to residential properties, shielded exterior lighting, and screening of trash and mechanical equipment.
9. No additional public, agency, or City comments were received.

Staff Recommendation:

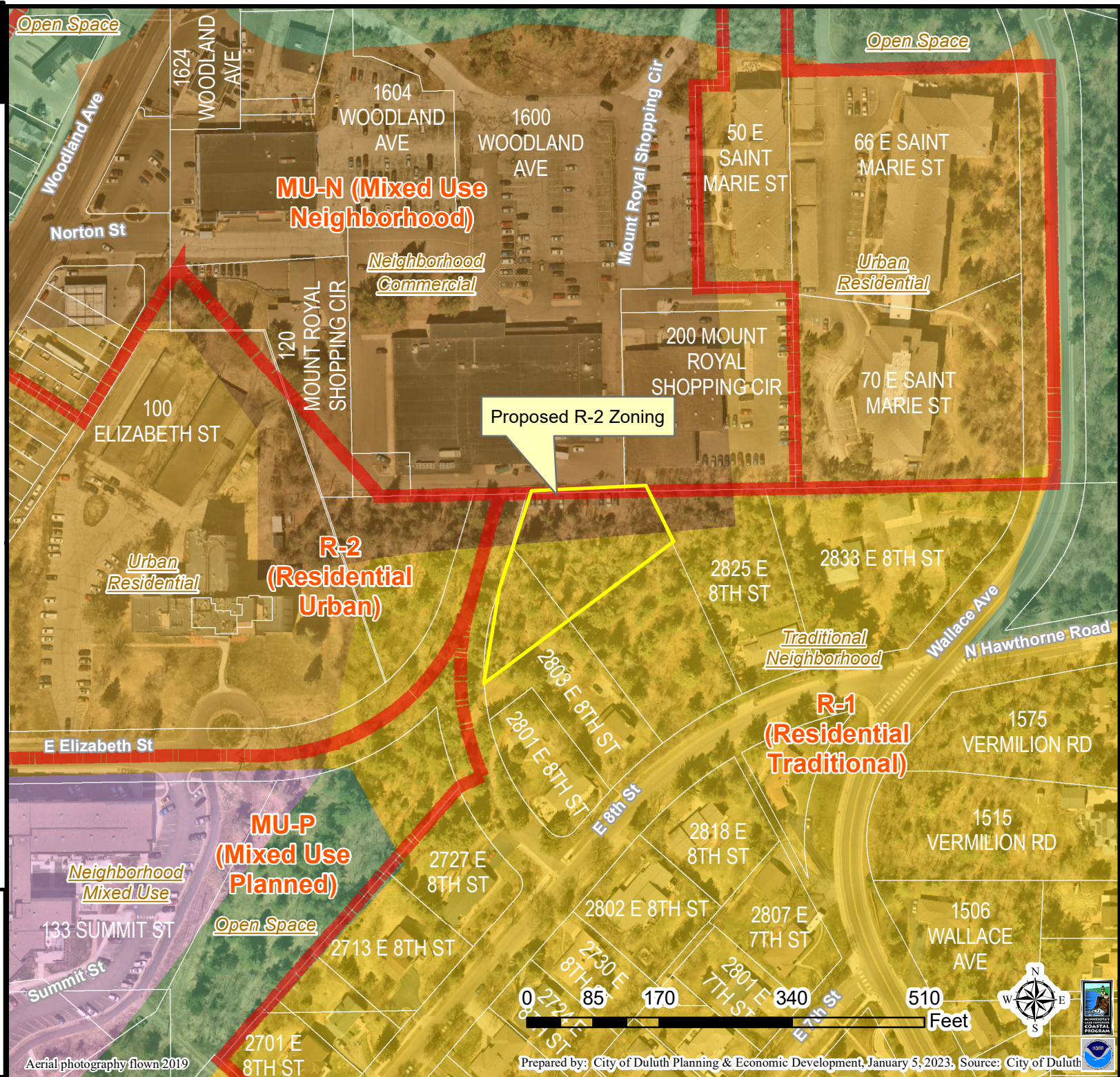
Based on the above findings, staff recommends to Planning Commission the UDC Map Amendment be recommended for approval by City Council for the following reasons:

- 1) This proposal is consistent with the Comprehensive Land Use Plan.
- 2) The proposed amendment is consistent with the purpose statement of the R-2 zone district.
- 3) Material adverse impacts on nearby properties are not anticipated.

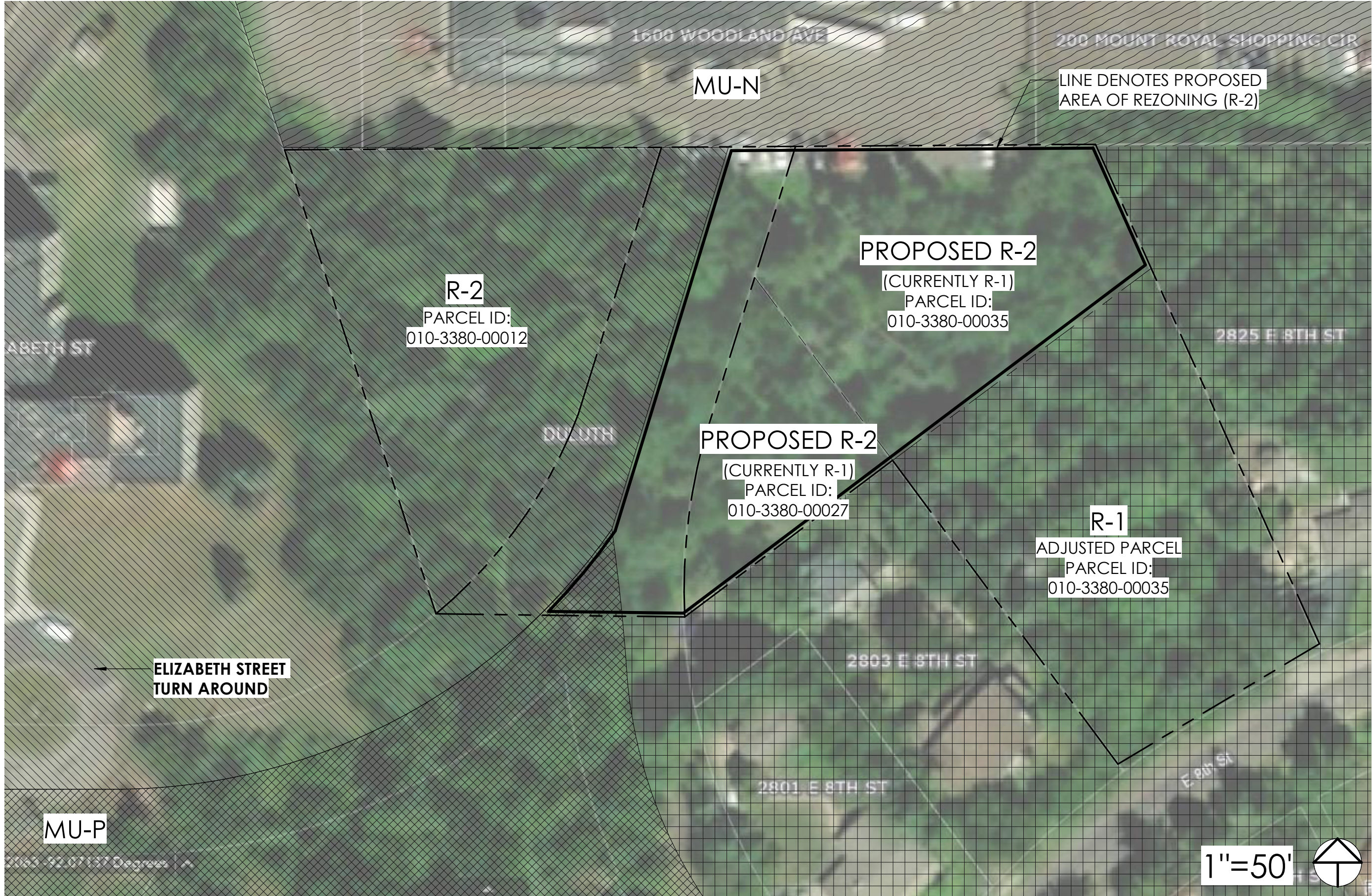


PL22-215
UDC Map Amendment
Elizabeth Street

Legend	
	Zoning Boundaries
	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



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.



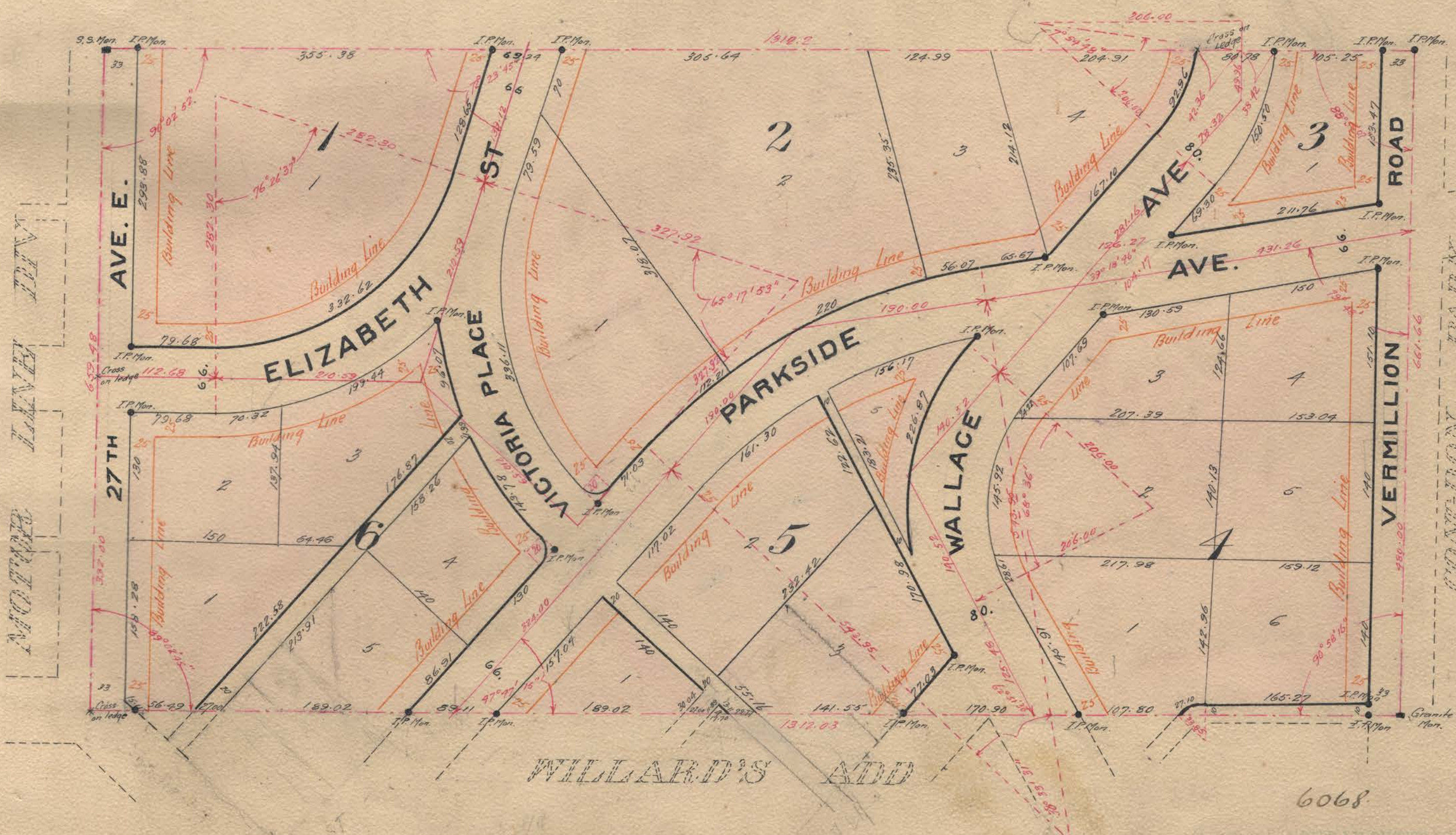
MOUNT ROYAL DIVISION OF DULUTH.

S 1/2 OF NE 1/4 OF NE 1/4 OF SEC. 14 T. 50 N. R. 14 W.

Scale 1" = 100'

Reference • Iron pipe Monument.
Building Line

The Duluth Engineering Co.



KNOW ALL MEN BY THESE PRESENTS: That Stephen H. Jones and Minerva V. Jones his wife, being the owners of the following described property lying and being in the County of St. Louis and State of Minnesota and described as follows to wit: The South One-half (S 1/2) of the North-east One-quarter (N.E. 1/4) of the North-east One-quarter (N.E. 1/4) of Section Fourteen (Sec. 14), Township Fifty (T. 50) North of Range Fourteen (R. 14) West of the Fourth Principal Meridian (4th P.M.), according to the United States Government survey thereof, and being desirous of plating the same into town lots have caused the same to be surveyed, and the annexed plat thereof to be made in accordance with the Statutes in such cases made and provided. Now therefore do we hereby ratify and confirm in all respects said survey and the plat thereof as MOUNT ROYAL DIVISION OF DULUTH, and sign, seal, and execute said plat and hereby dedicate to public use the Streets, Avenues and Alleys therein delineated. In witness whereof we have hereunto set our hands and seals this 8th day of December A.D. 1910

In the presence of

Frank Cruesweller
Henry Nolte

Stephen H. Jones
Minerva V. Jones

Owners

State of Minnesota, S.S.
County of St. Louis

On this 8th day of December A.D. 1910 personally appeared before me Stephen H. Jones and Minerva V. Jones his wife, to me well known to be the persons described in and who executed the foregoing certificate and acknowledged that they executed the same as their free act and deed.

Henry Nolte

Notary Public St. Louis County Minn.
My Commission expires Nov 18-1911

I, Lionel Ayres do hereby certify that I am a Civil Engineer and Surveyor and that I have at the request of the proprietors thereof made a careful survey of the property described in the foregoing certificate of the proprietors and have plotted the same into lots, blocks, streets, avenues and alleys as more fully appears on the annexed plat entitled MOUNT ROYAL DIVISION OF DULUTH. The sizes of all lots and widths of Streets, Avenues and Alleys are as shown on the plat. Monuments for the guidance of future surveys have been placed at the points designated on the plat thus.

In the presence of

Joseph B. Baker
John F. Lidrod

Lionel Ayres

State of Minnesota, S.S.
County of St. Louis

On this 12th day of November A.D. 1910 personally appeared before me Lionel Ayres to me well known to be the person described in and who executed the foregoing certificate and acknowledged that he executed the same as his free act and deed.

J. G. Goodrich

Notary Public St. Louis County Minn.
My Commission expires Feb 1-1912

We hereby certify that the annexed plat is a true and correct copy of the plat of MOUNT ROYAL DIVISION OF DULUTH approved by us this 9th day of December A.D. 1910

Thos. J. McIlroy

J. J. [Signature]

Plat Commission
City of Duluth

I hereby certify that the annexed plat of MOUNT ROYAL DIVISION OF DULUTH was approved and accepted by the common council of the City of Duluth on the 28th day of Dec, A.D. 1910

H. C. Chandle
City Clerk

30th December 1910
M. C. Palmer
Notary Public

Taxes for the year 1909 on the lands described within. PAID.
W. A. HINGATE, County Treasurer,
By J. J. [Signature] Deputy.

Taxes paid and transfer entered on
30th day of Dec. A. D. 1910
O. Halden
County Auditor
By V. E. Kingsred Deputy.

Jenn.

All new development and redevelopment is required to follow the UDC stormwater requirements. This includes both the temporary construction requirements and post/permanent construction stormwater management requirements.

Development projects are required to submit a stormwater management plan that demonstrates how stormwater runoff and snowmelt will be handled in the post construction condition. The plan will need to show how runoff will be captured and conveyed from the proposed development and directed to a structural Best Management Practice (BMPs). These BMPs provide controls on water quality (typical urban pollutants – sediment, debris....) and control the peak discharge rate (flood control) to protect down gradient properties, water resources and the storm sewer conveyance system. The stormwater management plan is required to show pre-condition versus post condition runoff characteristics, and is not allowed to create negative impacts to adjoining property owners. This project will be required to convey runoff after it is treated by a BMP via a storm sewer to connect directly into the 8th St storm sewer. The plan will also need to show the flow path for large rain events without negative impact or risk to adjacent or down gradient property owners.

Duluth does have a considerable number of ground water seeps across the city, with shallow and exposed bedrock and tight cohesive clay soils, ground water can travel below ground and can surface due to impermeable below ground barriers or abrupt changes in topography. A proposed development will capture surface flows from rainfall and snowmelt and convey them through a designed BMP and will discharge to the City storm sewer system. The presence of groundwater flows is highly variable and difficult to predict their location and flow characteristics.

Tom Johnson | PW&U | City of Duluth

