



## CITY OF DULUTH

Community Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

File Number	PL 17-005	Contact	Steven Robertson, 218-730-5295		
Type	Rezone to MU-P (Mixed Use Planned)	Planning Commission Date		February 14, 2017	
Deadline for Action	Application Date	January 5, 2017	60 Days	March 6, 2017	
	Date Extension Letter Mailed	February 1, 2017	120 Days	May 5, 2017	
Location of Subject		NE Corner of Rice Lake Road and Norton Road			
Applicant	Eastridge Community Church	Contact	Pastor Tom Asbury		
Agent	Greg Strom, Foundations Architecture	Contact			
Legal Description		See Attached			
Site Visit Date		February 6, 2017	Sign Notice Date		January 16, 2017
Neighbor Letter Date		February 2, 2017	Number of Letters Sent		21

### Proposal

The applicant is proposing to rezone this property to Mixed Use Planned (MU-P).

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-2, RR-1	Religious/Undeveloped	General Mixed, Preservation, Urban Res
<b>North</b>	RR-1	Undeveloped	Neighborhood Commercial, Pres, Rec
<b>South</b>	R-1	Residential	Preservation
<b>East</b>	RR-1	Generally Undeveloped	Preservation
<b>West</b>	RR-1	Generally Undeveloped	Preservation, Recreation, Urban Resid

### 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):**

Governing Principle #8 - Encourage mix of activities, uses, and densities.

Governing Principle #10- Take Sustainable Actions. Initiate land use, site design, transportation, building design and material policies which reduce consumption of finite resource, generation of solid waste and introduction of toxic material to land, air, or waters.

Future Land Use – Urban Residential: Greatest variety of building types, medium to high densities. Applicable to larger infill areas close to downtown, entertainment or activity centers, and waterfront residential areas. May include student housing areas, live/work units, and limited neighborhood retail. Connected or adjacent to parks and open space.

Future Land Use – 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.

The proposed rezoning request is related to the adopted Arrowhead Road Land Use Study (PL 16-030) considered by the Planning Commission on 4/12/2016 and approved by the City Council on 4/25/2016 (16-0305R).

## **Review and Discussion Items**

Staff finds that:

- 1) The applicant is proposing to rezone to property to a Mixed Use-Plan (MU-P) zone district, which allows for more flexibility for development than traditional zone districts. Following the approval of a rezoning ordinance by the City Council, MU-P districts must submit a detailed Regulating Plan for approval by the Land Use Supervisor. Requirements of the Regulating Plan are listed in UDC Section 50-15.7.E and 50-15.7.F. The Regulating Plan must be consistent with the Concept Plan and must be approved before any building permits can be issued for the property. A plat is also required for the subdivision and development of the property; an approved concept or regulating plan does not preempt the subdivision review process.
- 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 else be considered arbitrary and capricious. The future land uses on the site support mixed use development, and current zoning makes this area eligible for rezoning to MU-P.
- 3) The Concept Plan identifies four parcels, two for development and two for preservation. Parcels B and C (current church structure, and area near Arrowhead Road), are dedicated for additional development, while Parcels A and D are dedicated for no, or very limited, development.
- 4) Applicant's concept plan is proposing that development parcel B include a restaurant, and parcel C include a grocery store (small) and a restaurant. Based on the characteristics of the parcel and the neighborhood, staff would recommend that the Planning Commission members discuss, or the applicant consider, revising the concept plan to clarify that there would be no drive-through restaurants on site, and no grocery stores (although a food shelf would be allowed).
- 5) Concept Plans in the MU-P district must show that the development would provide a greater level of public benefit than would be required under the existing zone district. Under the proposal, approximately 10 acres of the area would be dedicated to open space and limited recreation (Development Parcel A), and approximately 2 acres would be dedicated for no development or impact (Development Parcel D), for a total of 12 acres out of the 23 acres in the total development. Section 50-15.7 requires that a minimum of 20% of the project be set aside for common open space. The applicant identifies other benefits of the development other than preservation of open space, which is public access to the trails in Development Parcel A. Staff would recommend that the Planning Commission members discuss, or the applicant consider, attaching a pedestrian easement over all of Development Parcel A, or at the very least the dedicated parking area and 20 feet on the trail.

6) The land uses proposed as part of the Concept Plan are not anticipated to result in material adverse impacts. Open space on the periphery of the development will provide a buffer to adjacent properties, which are likewise not heavily developed. No additional roadway access points are intended at this time; the applicant already has two active access points onto Arrowhead Road, and a third existing, but unused access point.

7) Chester Creek, a Cold Water designated stream, runs along the northern perimeter of the applicant's property, approximately 600 feet from the existing footprint of the church. There are wetlands believed to exist on the northern 1/3 of the property, near Chester Creek. This area is generally within the proposed development parcel A, which other than trails and a potential small prayer pavilion or a warming shack less than 200 square feet, would remain undeveloped.

9) A neighborhood meeting was held on January 8, 2017 at 6:00 pm, with no citizens or members of the general public in attendance.

10) The St. Louis county Public Works department commented that all new or modifications of existing entrances on Arrowhead road must be reviewed and approved by the County. No other public, or private, agency/organizations comments have been received at this time.

11) If the zoning change is approved by the City Council, the property owner will not need to replat the property at this time, but will need an approved regulating plan with the Land Use Supervisor.

### **Staff Recommendation**

Staff recommend that the proposed concept plan be amended to:

- 1) Exclude grocery store from the list of approved uses, and limit any restaurant to 5,000 square feet or less with no drive through,
- 2) A pedestrian easement be dedicated to the public over Development Parcel A, and
- 3) Up to two small (less than 200 square feet) structures be allowed to be located in Development Parcel A, with the approval of the Land Use Supervisor.

Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning to Mixed Use-Planned (MU-P) because:

- 1) The proposed rezoning is able to implement the objectives of the Comprehensive Plan related to the proposed land use for this area.
- 2) The rezoning is consistent with the Comprehensive-Plan Future Land Use Map changes as recommended by the 2016 Arrowhead Road Land Use Plan.
- 3) Material adverse impacts on nearby properties are not anticipated.



### Legend

#### Zoning Boundaries



Zoning Boundaries

#### Future Land Use



Preservation



Recreation



Rural Residential



Low-density Neighborhood



Traditional Neighborhood



Urban Residential



Neighborhood Commercial



Neighborhood Mixed Use



General Mixed Use



Central Business Secondary



Central Business Primary



Auto Oriented Commercial



Large-scale Commercial



Business Park



Tourism/Entertainment District



Medical District



Institutional



Commercial Waterfront



Industrial Waterfront



Light Industrial

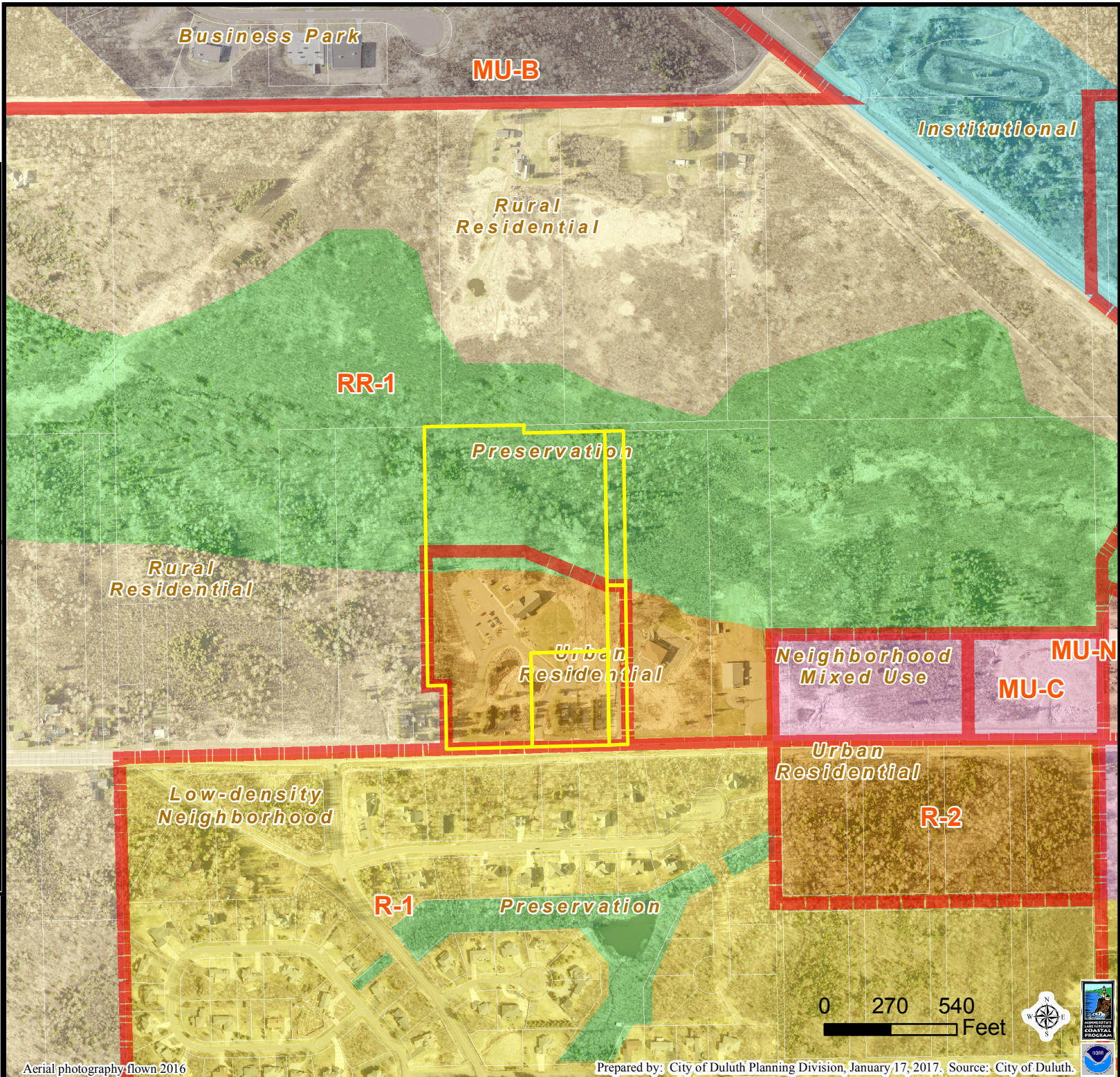


General Industrial



Transportation and Utilities

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.





### Legend

- Trout Stream (GPS)
- Other Stream (GPS)
- Wetlands (NRRI)

### Floodplain Type

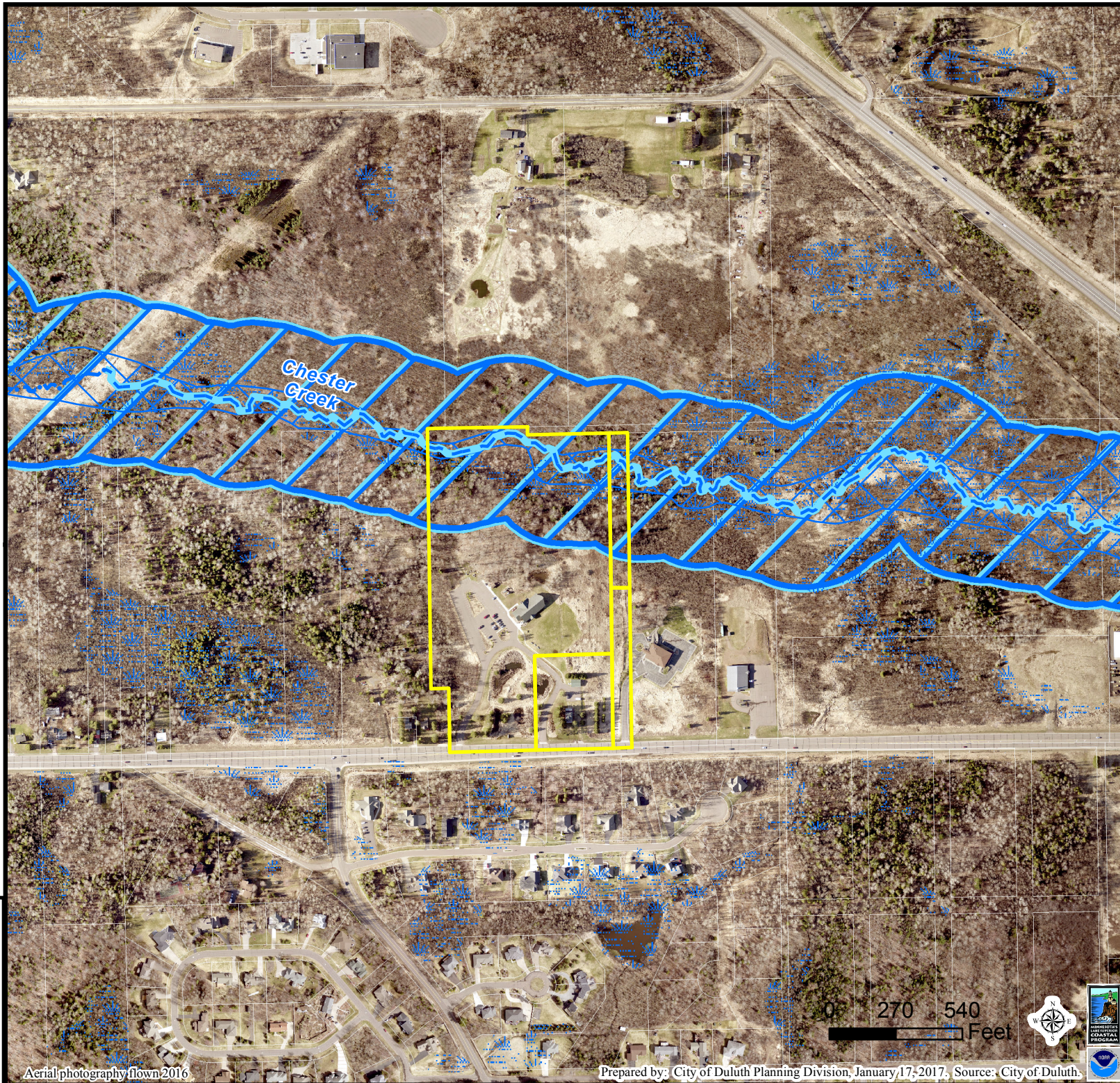
- General Flood Plain
- Flood Way
- Flood Fringe

### Shoreland (UDC)

#### Shoreland Overlay Zone

- Cold Water
- Natural Environment
- General Development

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Aerial photography flown 2016

Prepared by: City of Duluth Planning Division, January 17, 2017. Source: City of Duluth.



ARCHITECTURE

COMMERCIAL

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RESIDENTIAL

## Eastridge Community Church - MU-P Rezone

### MU-P Zoning Request Rationale

Eastridge Community Church seeks to re-zone the front portion of its current property from Urban Residential (R-2) to a Mixed-Use Planned (MU-P) district. This will give the church the ability to creatively maximize the use of its present structure and allow opportunity for light commercial development right on Arrowhead Road. In exchange, the community would benefit from access to a natural recreation area at the back side of the property for hiking, cross country skiing and other non-motorized sports. Current parking areas would be available for community use of said trails. In the event that sidewalks are developed on Arrowhead Road, a pedestrian and bike trail could also be developed from the front of the property to the recreation area.

The trail system would be available to the public by means of a free pass. Designated parking at the end of the current parking lot would be available at most times with the exception of Sunday Mornings and other peak use times for the church.

<b>Development Standards:</b>	<b>Required:</b>	<b>Proposed:</b>
Maximum Height:	50'	45', 35' (see plan)
Undeveloped Open Space (Gross - 20%)*:	118,364 SF	260,768 SF (44%)
Contiguous Undeveloped space (10%)*:	59,182 SF	98,291 SF (17%)**
Shoreland Setbacks***	300'	300'+

\*Undeveloped space is figured only for R-2 area proposed to be rezoned to MU-P RR-1 area (which is 99% undeveloped) is not taken into consideration.

\*\*See Area 'D' on the Use Concept Site Plan.

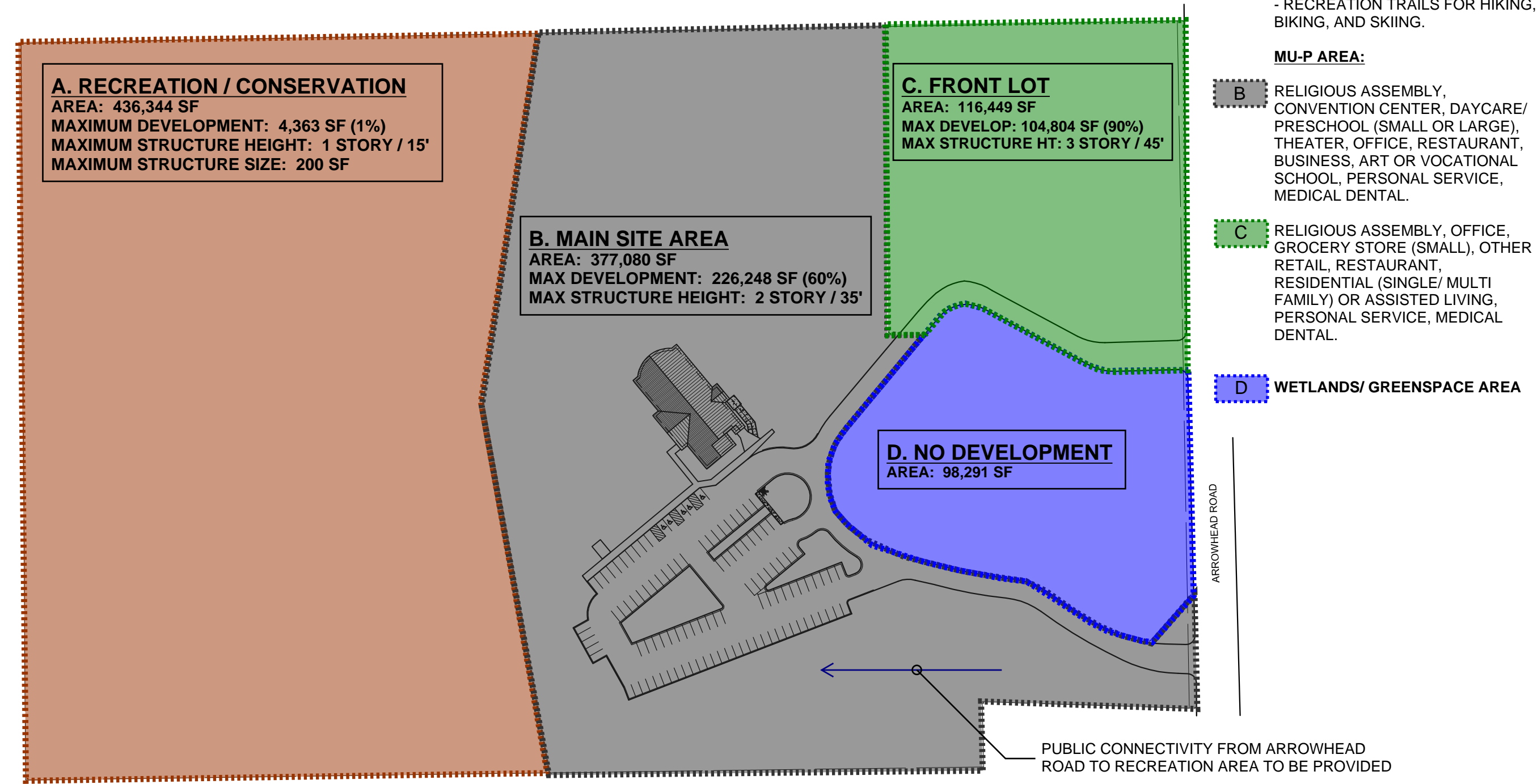
\*\*\*The headwaters of Tischer Creek run through RR-1 (Area A, "Recreation and Conservaton" on the Use Concept Site Plan), and the 300' of setback is within that zone.

# EASTRIDGE COMMUNITY CHURCH

3727 WEST ARROWHEAD ROAD

DULUTH, MN

## PROPOSED MIXED USE PLAN DEVELOPMENT



**FOUNDATIONS**  
ARCHITECTURE  
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EASTRIDGE COMMUNITY CHURCH  
3727 W. ARROWHEAD ROAD  
DULUTH, MN 55811

SHEET TITLE:  
ZONING SITE PLAN

DATE: 01-03-17  
JOB NO.: 1621  
DRAWN BY: TJB  
APPROVED BY: GPS

REVISIONS:

# TRAILS & PARKING



FULL SCALE

