



CITY OF DULUTH

Community Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197

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

File Number	PL 17-050	Contact	John Kelley, 218-730-5326	
Type	Rezone, from MU-B to R-2	Planning Commission Date		April 11, 2017
Deadline for Action	Application Date	N/A, City Action	60 Days	
	Date Extension Letter Mailed		120 Days	
Location of Subject		Properties between Water Street and South 23 rd Avenue East (2200 Block of Water Street)		
Applicant	City of Duluth, Community Planning	Contact		
Agent	N/A	Contact		
Legal Description		See attached PID #'s		
Site Visit Date		March 31, 2017	Sign Notice Date	March 28, 2017
Neighbor Letter Date		March 27, 2017	Number of Letters Sent	44

Proposal

The City is proposing to rezone properties from Mixed Use Business Park (MU-B) to Residential-Urban (R-2).

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-B	Residential/Undeveloped	Urban Residential
North	MU-B	Street/Highway	Transportation and Utilities
South	N/A	N/A	N/A
East	R-2	Residential	Urban Residential
West	MU-N	Residential	Urban Residential

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):

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.

Review and Discussion Items

Staff finds that:

- 1) 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.
- 2) The future land use designation of this property is Urban Residential. It is described as the 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.
- 3) The property is currently zoned MU-B, and the City is proposing to rezone to R-2. The MU-B district is intended to accommodate modern light industrial and technology-based developments of attractive integrated design and function. The MU-B district does not allow for residential use. The current land use in the immediate area is single family and multifamily residential. The R-2 district is established to accommodate multi-family apartments and townhouses, in an urban setting. This district also allows for single-family detached dwellings, duplexes and group living accommodations. The district is intended primarily for locations closer to commercial and mixed use activity centers, and may serve as a transition between lower-density residential areas and more intense commercial and mixed use neighborhoods;
- 4) Based on the future land use designation, interest in developing multifamily residential use of the property, and the purpose statements of the MU-B and R-2 zone districts, rezoning to R-2 is appropriate for this subject area.
- 5) Of the properties to be rezoned, 6 have single family homes, which are permitted in R-2, and 1 parcel has a real estate office, which is a special use in the R-2 district.
- 6) The city, as of the date this was written, has received no written comments in regard to this proposal.

Staff Recommendation

Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning from Mixed Use Business Park (MU-B) to Residential-Urban (R-2) because:

- 1) R-2 is the zone most reasonably 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.
- 3) Material adverse impacts on nearby properties are not anticipated.



City Planning

PL 17-050
Rezone MU-B to R-2
FLU Map

Legend

Future Land Use - Plus 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

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Aerial photography flown 2016

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City Planning

PL 17-050
Rezone MU-B to R-2
Zoning Map

Legend

Zoning Boundaries



Zoning Boundaries

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