CITY OF DULUTH
Community Planning Division

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File Number	PL 17-140	**Contact**	Steven Robertson	
Type	UDC Map Amendment, Rezone, from MU-N to R-1	**Planning Commission Date**		September 12, 2017
Deadline for Action	**Application Date**	N/A, City Action	**60 Days**	
	Date Extension Letter Mailed		**120 Days**	
Location of Subject				
Applicant	City of Duluth, Community Planning	**Contact**		
Agent	N/A	**Contact**		
Legal Description	010-2920-00350, 00420, 00430, 00440, 00470; and 010-4050-00360, 00340, 010-1220-07710, 010-2110-09080, 010-1220-07570			
Site Visit Date	August 29, 2017	**Sign Notice Date**	August 29, 2017	
Neighbor Letter Date	August 30, 2017	**Number of Letters Sent**	113	

Proposal

The City is proposing to rezone properties from Mixed Use Neighborhood (MU-N) to Residential Traditional (R-1).

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N	Vacant/Undeveloped	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	R-1	Highway	Traditional Neighborhood
West	R-1	Residential	Preservation

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):

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. Includes many of Duluth's older neighborhoods, infill projects and neighborhood extensions, and new traditional neighborhood areas.

Principle #8 - Encourage mix of activities, uses and densities
Cities have evolved as a mix of land uses, building types, housing types, and activities. Accommodating choice while protecting investment is a balance to strike in land use regulation. Mixed uses provide opportunity for a diversity of activity that segregated, uniform uses do not provide.

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 Traditional Neighborhood. It is described as being characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys; property with this designation is typically zoned R-1. The project area is currently zoned RR-1, which is more appropriate for rural areas with a minimum of lot size of 5 acres.

3) The purpose statement of the MU-N district is established to accommodate a mix of neighborhood-scale, neighbor-hood serving non-residential uses and a range of residential uses located in close proximity. This district accommodates both horizontal (uses located in separate structures) and vertical (uses located in the same building) types of mixed use. Non-residential uses may include small-scale retail, service and professional offices that provide goods and services to the residents of the surrounding neighborhood. The purpose statement of the R-1 district is that it is established 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.

4) Based on the future land use designation, character and development history of this area, and the purpose statements of the MU-N and R-1 zone districts, rezoning to R-1 is appropriate for this subject area.

5) The city, as of the date this was written, has received no written comments in regard to this proposal, other than an email from MnDOT (as majority property owner) expressing no objection to the rezoning.

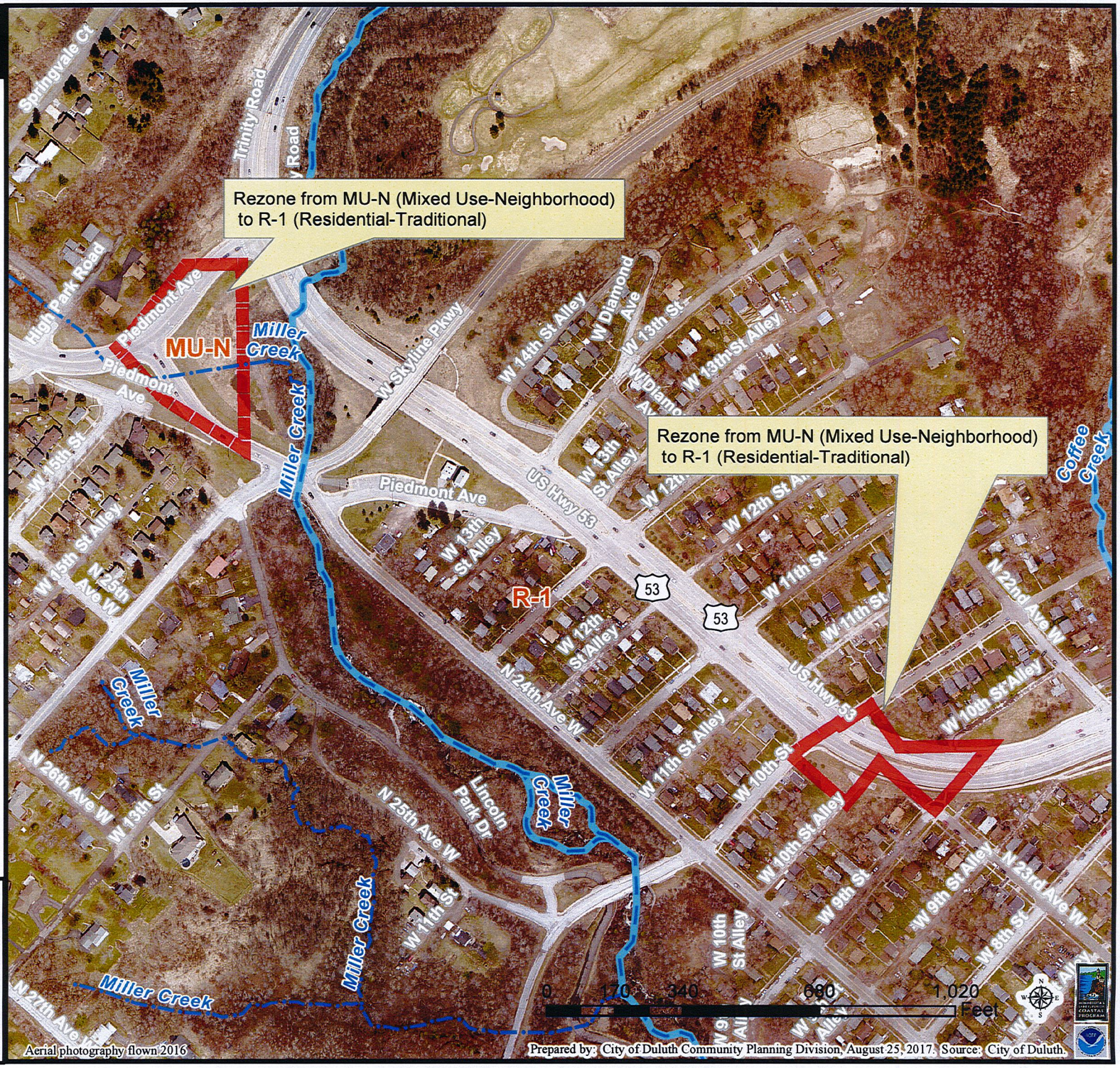
Staff Recommendation

Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning from Mixed Use Neighborhood (MU-N) to Residential-Traditional (R-1) because:

1) R-1 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.

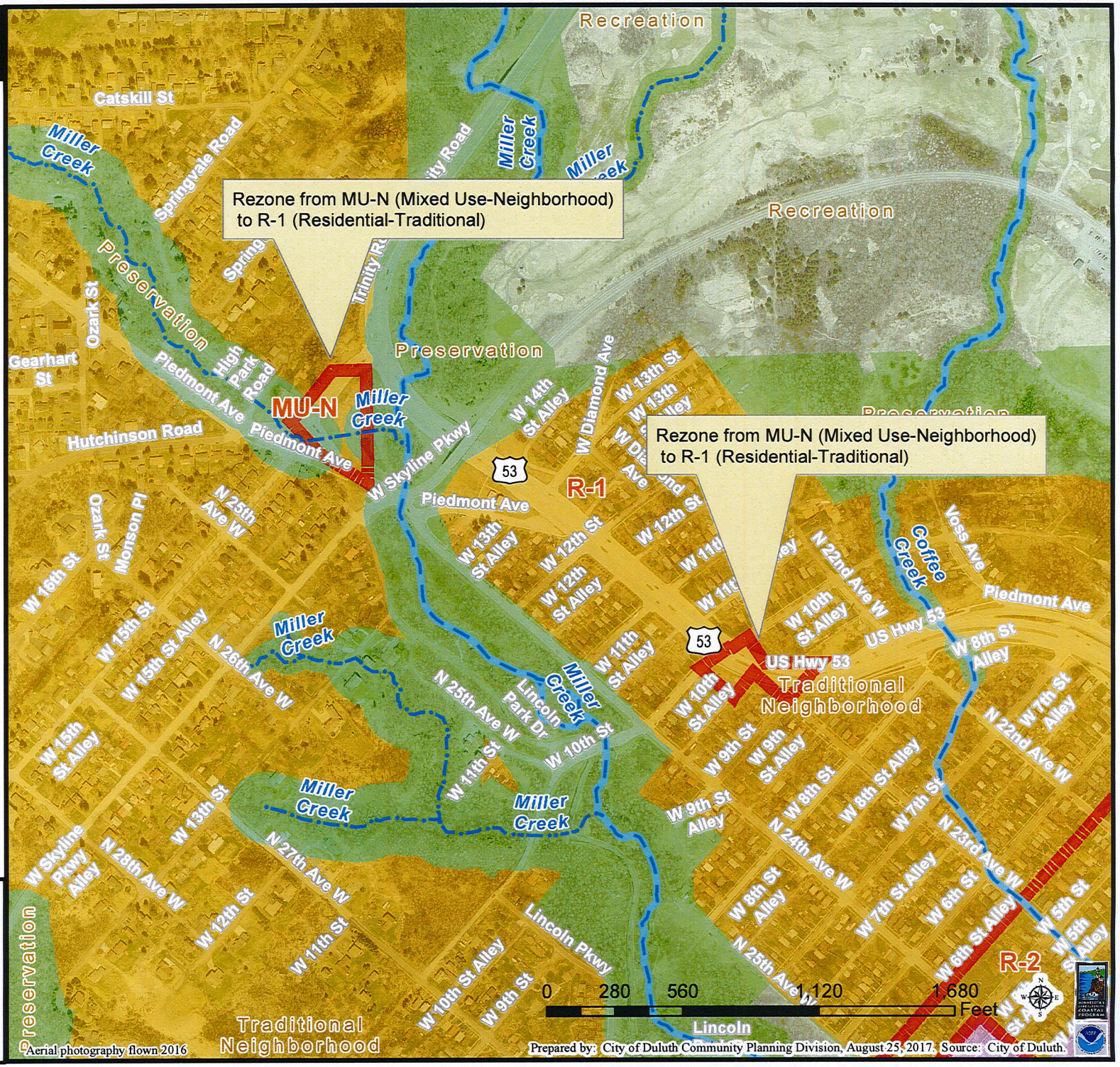


Legend

- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)

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.

E-3



Legend

- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)

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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E-4

Legend

- Subdivision Boundaries
- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)

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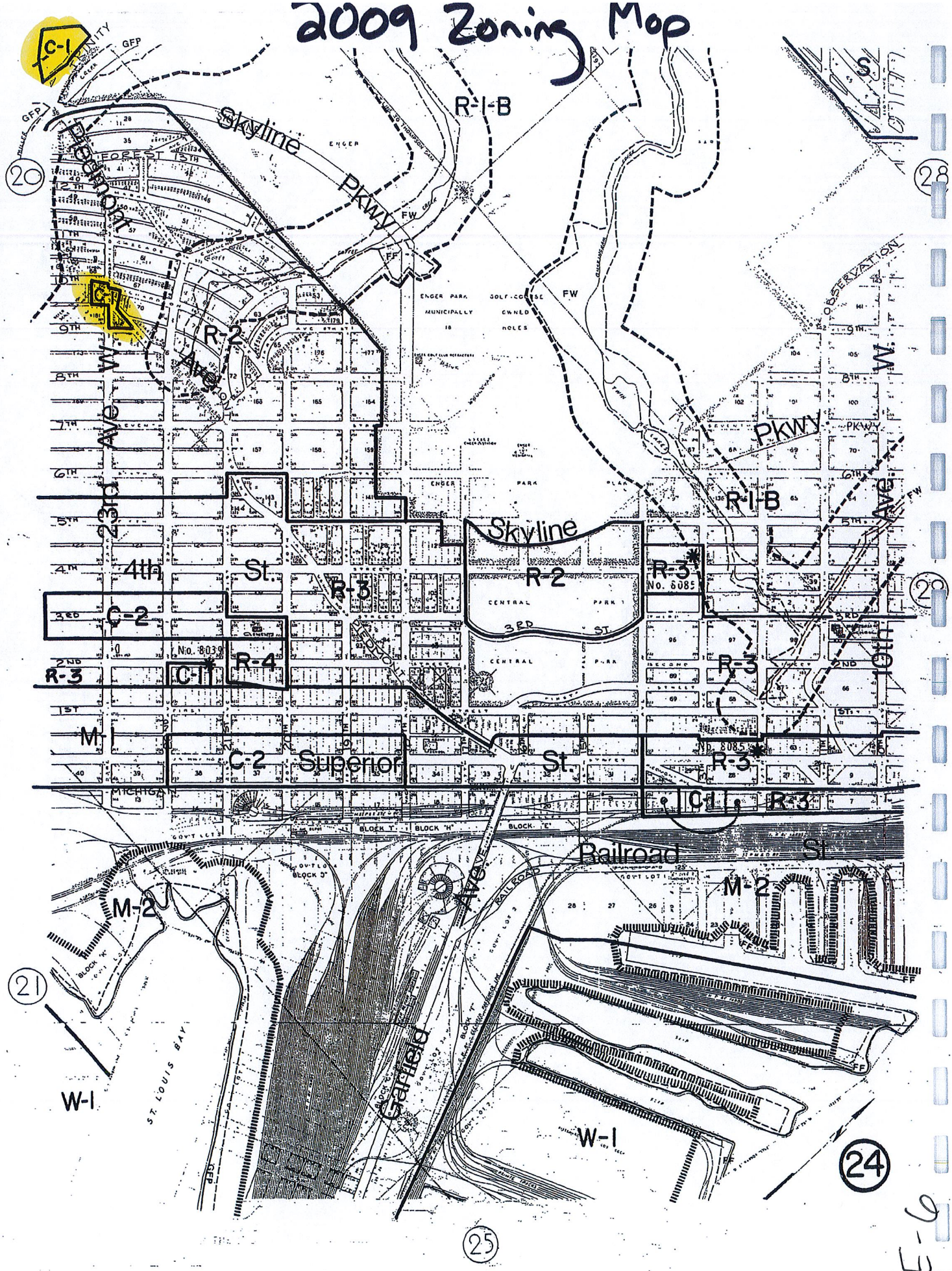
E-5

2009 Zoning Map



E-9