



# CITY OF DULUTH

Community Planning Division

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<b>File Number</b>	PL 17-141	<b>Contact</b>	Steven Robertson
<b>Type</b>	UDC Map Amendment, Rezone, from RR-1 to R-1	<b>Planning Commission Date</b>	September 12, 2017
<b>Deadline for Action</b>	<b>Application Date</b>	N/A, City Action	<b>60 Days</b>
	<b>Date Extension Letter Mailed</b>	N/A	<b>120 Days</b>
<b>Location of Subject</b>			
<b>Applicant</b>	City of Duluth, Community Planning	<b>Contact</b>	
<b>Agent</b>	N/A	<b>Contact</b>	
<b>Legal Description</b>	010-3452-00420, 010-2680-00450		
<b>Site Visit Date</b>	August 29, 2017	<b>Sign Notice Date</b>	August 29, 2017
<b>Neighbor Letter Date</b>	August 29, 2017	<b>Number of Letters Sent</b>	48

## Proposal

The City is proposing to rezone properties from Rural Residential 1 (RR-1) to Residential Traditional (R-1).

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	RR-1	Residential	Traditional Neighborhood
<b>North</b>	R-1	Residential	Traditional Neighborhood/Preservation
<b>South</b>	R-1	Residential	Traditional Neighborhood
<b>East</b>	R-1	Residential	Traditional Neighborhood
<b>West</b>	R-1	Residential	Traditional Neighborhood/Recreation

## 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.

TH.F.1



## **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 RR-1 district states that it is established to accommodate large-lot, single-family detached residential uses, typically surrounded by significant open space, on lots of at least 5 acres each. The district encourages distinctive neighborhoods with a semi-rural character. Complimentary uses such as limited agriculture, small-scale institutional uses, parks, minor utilities and certain temporary uses are allowed. 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 RR-1 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 formal written comments in regard to this proposal. The city has received one phone call and one email asking for more information about the proposed rezoning (the City's goal with this rezoning, and the potential impact on property owners).

## **Staff Recommendation**

Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning from Rural Residential 1 (RR-1) 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)
	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

Prepared by: City of Duluth Community Planning Division, August 25, 2017, Source: City of Duluth.





**Legend**

 Subdivision Boundaries

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# 2009 Zoning Map

