



**Planning & Development Division**  
*Planning & Economic Development Department*

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File Number	PL 19-185	Contact	Steven Robertson	
Type	Rezone from MU-N and R-1, to RR-2	Planning Commission Date		February 11, 2020
Deadline for Action	Application Date		60 Days	N/A (City Application)
	Date Extension Letter Mailed	N/A	120 Days	
Location of Subject		8600 to 9200 Block of West Skyline Parkway		
Applicant	City of Duluth	Contact	Planning and Development	
Agent		Contact		
Legal Description		See Attached Map		
Site Visit Date		December 31, 2019	Sign Notice Date	December 31, 2019
Neighbor Letter Date		December 27, 2019	Number of Letters Sent	15

**Proposal**

The City proposes rezoning property from the current zoning of MU-N (Mixed Use Neighborhood) and R-1 (Residential-Traditional), to RR-2 (Rural Residential 2). The proposal is consistent with the Comprehensive Plan. This item was initially presented to the Planning Commission at their January 14, 2020, meeting.

**Staff Recommendation**

Staff is recommending approval of the proposed rezoning to RR-2.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1/MU-N	Recreation, Residential	Low Density Neighborhood
<b>North</b>	RR-1	Residential	Low Density Neighborhood
<b>South</b>	RR-1	Residential	Open Space
<b>East</b>	RR-1	Residential, Open Space	Low Density Neighborhood
<b>West</b>	City of Proctor	Commercial	-

**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.B.3 Where a proposed amendment to the zoning map would change any property from a residential district to a mixed use, form or special purpose district, a planning commission hearing and a notice of three weeks shall be required. In addition, the affirmative vote of 2/3 of the council shall be required. The city has not received the written consent of the owners of 2/3 of those properties located wholly or partially within 100 feet of the property proposed to be rezoned;
- 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:

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

### Governing Principles

Principle 5- Promote reinvestment in neighborhoods.

Duluth is strongly defined by its neighborhoods. This system should be supported through land use and transportation that foster neighborhood reinvestment. New development or redevelopment should maximize public investment that strengthens neighborhood commercial centers or diversifies residential opportunities that fit the neighborhood's character.

Principle 12- Create efficiencies in delivery of public services.

The costs of public service must be considered in land use decisions. Street construction and maintenance, utilities, libraries, fire, police, snow removal, and recreation facilities are services directly related to the physical location of development. Infrastructure should help direct development location rather than react to it. The integration of public services to maximize efficiencies with all related use decisions should be evaluated.

### Future Land Use

Future Land Use, Low Density Neighborhood. Single-family housing with urban services. Typified by curvilinear streets, houses with longer dimension parallel to street, and attached garages. Includes a range of house sizes and lot sizes. Non-residential uses are mainly uses such as schools and churches. Parks and open space are located within or adjacent to the neighborhood.

Future Land Use, Rural Residential. Areas of single-family lots of at least five acres. Limits the extension of municipal utilities for new development. Includes existing rural density areas with lots as small as an acre now served by municipal utilities but not planned for further subdivision.

### History

The Imagine Duluth 2035 Comprehensive Land Use Plan was adopted on June 25, 2018. The plan recommended 21 changes to the future land use plan. This area is addressed as Site 4: "This site changes from Auto-Oriented Commercial to Low Density Neighborhood. The change is based on the availability of utilities and consistency between this area and other lands immediately to the north. This area of the city is part of the Kingsbury Creek and Knowlton Creek watersheds; low intensity uses are appropriate."

A recent planning action occurred within the rezoning subject area, PL 19-128, Special Use Permit for a 5 Unit Hotel (4 Detached Cabins). The application was granted by the City Council upon appeal of the Planning Commission's denial.

Prior to 2010, the western 2/3 of the this subject area was zoned R-1-A, and the eastern 1/3 was zoned C-2.

## **Review and Discussion Items:**

- 1) The City proposes rezoning property from the current zoning of R-1 (Residential-Traditional) and MU-N (Mixed Use Neighborhood), to RR-2 (Rural Residential 2). The proposal is consistent with the Comprehensive Plan. This item was presented to the Planning Commission at their January 14, 2020, meeting. Following public testimony, the Planning Commission had tabled the proposal, which was initially to rezone to RR-1, until the February meeting to allow for additional public testimony on the revised proposal to rezone to RR-2.
- 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 be considered arbitrary and capricious. Good zoning practice requires that zone districts be consistent with the future land use category identified for the area.
- 3) State Statute requires that a community's zoning map implement the general objectives of the Comprehensive Plan. Other criteria for zoning include considering existing land use patterns and if the rezoning is related to the needs to the community or existing land use. The proposed rezoning area is interspersed with larger lot single family residential lots that are more in keeping with the purpose statement of the proposed RR-2 district (similar to the areas surrounding the subject

site).

4) The RR-2 district is established to accommodate single-family detached residential uses on lots of at least two acres each. The district encourages distinctive neighborhoods with a suburban character. The district may serve as a transition between lower-density semi-rural areas and more intense residential or mixed use neighborhoods. Complimentary uses such as limited agriculture, small-scale institutional uses, parks, minor utilities and certain temporary uses are allowed.

5) While the RR-2 zone district has a minimum lot size of 2 acres, existing approved land uses in this proposed rezoning area, such as single-family homes, vacation dwellings, etc, would be considered legal uses, even if the existing lots that the structures are located on are less than 2 acres. However, new development parcels that were proposed to be created would need to be at least 2 acres in size.

6) This specific rezoning action is not in anticipation of any specific development proposal; it is instead intended to update the zoning map to reflect the recent change to the future land use designation per the Imagine Duluth 2035 Comprehensive Plan.

7) Based on the development pattern of adjacent areas and the purpose statement of the RR-2 zone district, rezoning as proposed in the attached map is appropriate for this area.

8) No additional written correspondence has been received on this topic, beyond what was received for the January 14, 2020 meeting and at the optional public information meeting held on January 7.

**Staff Recommendation:**

Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning as shown on the map titled Proposed Rezoning Area Map.

1) The proposed zone districts are the most reasonably able to implement the objectives of the Comprehensive Plan related to the land use for this area.

2) Material adverse impacts on nearby properties are not anticipated.

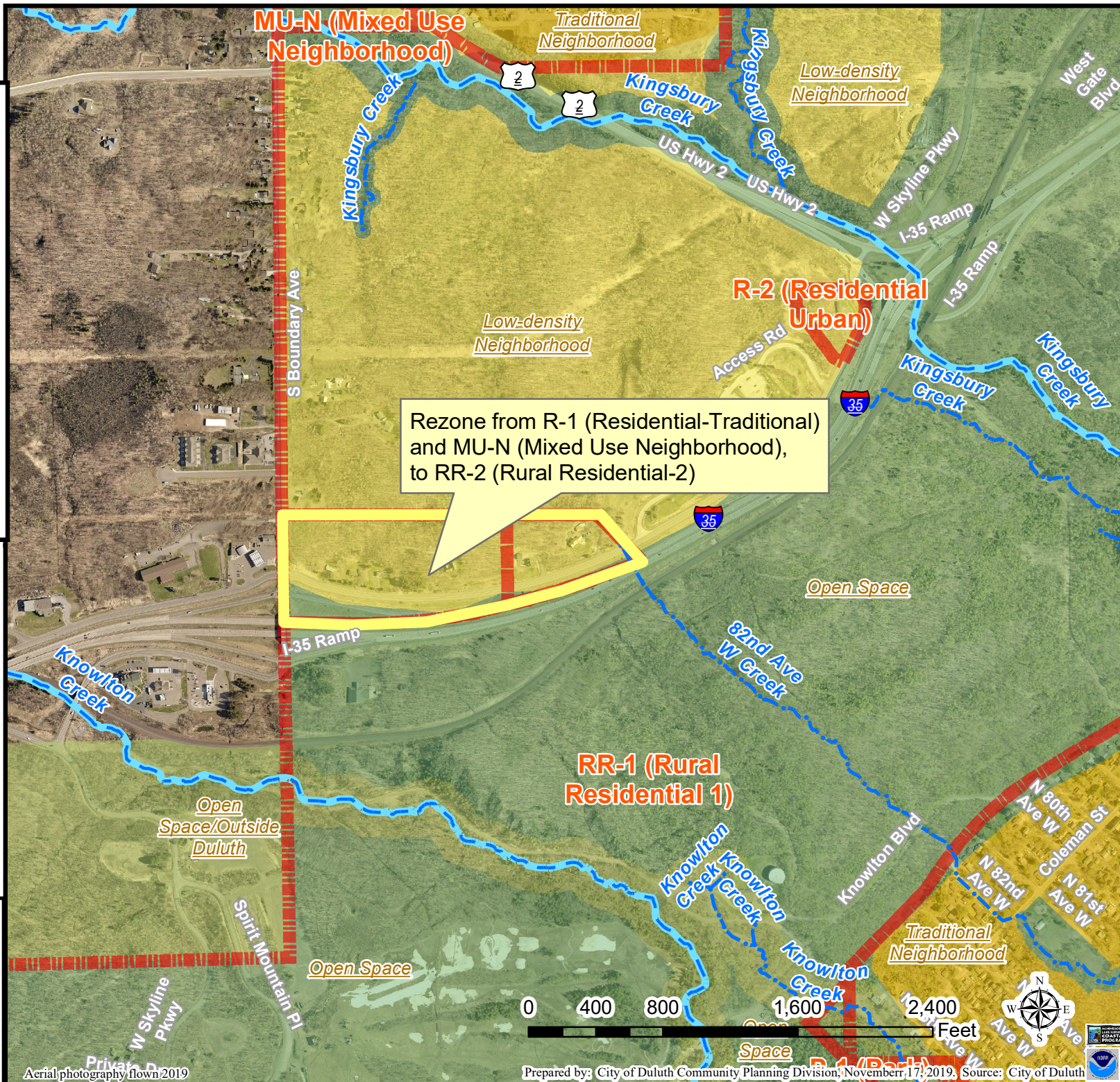




## Rezoning

### Legend

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



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Aerial photography flown 2019





Rezone from R-1 (Residential-Traditional) and MU-N (Mixed Use Neighborhood), to RR-2 (Rural Residential-2)

R-2  
(Residential  
Urban)

RR-1 (Rural  
Residential 1)

R-1  
(Residential  
Traditional)







## Becks Road & Commonwealth Ave Intersection (Site 3)

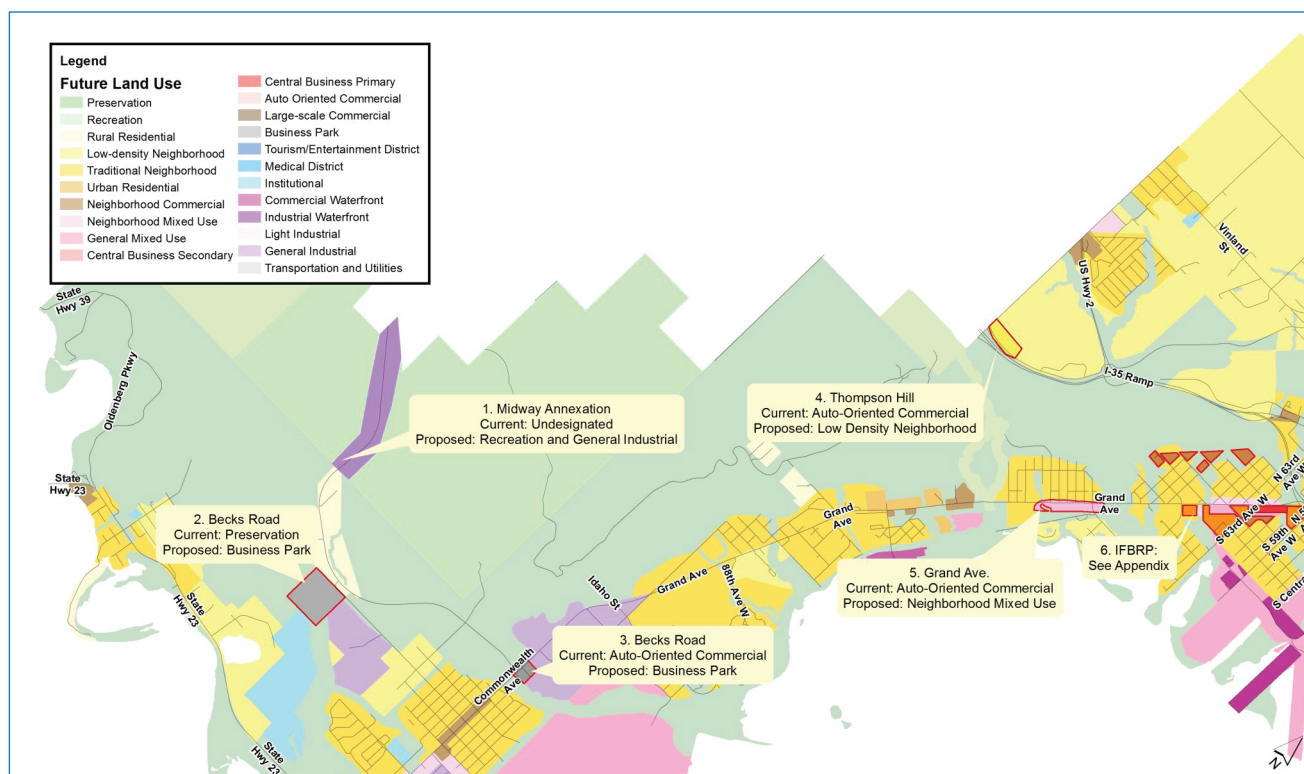
In this location, lands were previously designated for Auto-Oriented Commercial uses. This area is now designated for Business Park development, which is intended for job-intensive uses.

## Thompson Hill (Site 4)

This site changes from Auto-Oriented Commercial to Low Density Neighborhood. The change is based on the availability of utilities and consistency between this area and other lands immediately to the north. This area of the city is part of the Kingsbury Creek and Knowlton Creek watersheds; low intensity uses are appropriate.

## Grand Avenue (Site 5)

This changes from Auto-Oriented Commercial to Neighborhood Mixed Use. Change to neighborhood oriented commercial activities will allow for redevelopment of sites serving the residential area on the uphill side of Grand Avenue. Neighborhood oriented uses are most appropriate, allowing higher intensity commercial activities to be located in the Core Investment Areas to the east and west of this area of the city.



## **Uses Allowed in Residential-Rural 2 (RR-2) Zone District**

### **Revised January 2019**

#### Permitted Uses

- Dwelling, one family
- Residential care facility/assisted living (6 or fewer)
- Government building or public safety facility
- Park, playground, or forest reserve
- Religious assembly, small (less than 50,000 sq. ft. or more)
- School, elementary
- Agriculture, community garden
- Agriculture, urban
- Day care facility, small (14 or fewer)

#### Special or Interim Uses

- Cemetery or mausoleum
- Religious assembly, large (50,000 sq. ft. or more)
- School, middle or high
- Agriculture, farmers market
- Riding stable
- Golf course
- Recreational Vehicle Park
- Preschool
- Day care facility, large (15 or more)
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Water or sewer pumping stations/reservoirs

#### Interim Uses

- Vacation dwelling unit



# Comparison of Current and Proposed Zone Districts and Comprehensive Plan Future Land Uses

Current Zone Districts	Proposed Zone Districts	Future Land Use Categories
<b>Residential</b>	<b>Residential</b>	
	R-C Rural-Conservation	P Preservation (private owned land)
S Suburban	RR-1 Rural Residential 1	RR Rural Residential &
S-2 Suburban Residential	RR-2 Rural Residential 2	LDN Low-Density Neighborhood
R-1-a One-Family Residential	R-1 Traditional Neighborhood	LDN Low-Density Neighborhood & TN Traditional Neighborhood
R-1-b One-Family Residential		
R-1-c One-Family Residential		
R-2 Two-Family Residential		
R-3 Apartment Residential	R-2 Urban Residential	UR Urban Residential
R-4 Apartment Residential	(Merged into MU-N Mixed-Use Neighborhood)	
TND	R-P Planned Residential	
<b>Commercial</b>	<b>Mixed Use</b>	
C-1 Commercial	MU-N Mixed Use-Neighborhood (formerly R-4 and C-1)	NC Neighborhood Commercial
		NMU Neighborhood Mixed Use
C-2 Highway Commercial	[Retired]	AOC Auto-Oriented Commercial
C-3 Shopping Center	[Retired]	
C-5 Planned Commercial	MU-C Mixed Use-Commercial	CBS Central Business Secondary
		AOC Auto-Oriented Commercial
		LSC Large-Scale Commercial
	MU-I Mixed Use-Institutional (formerly MC)	MD Medical District
	MU-B Mixed Use-Business Park (formerly M-1, I-P, and I-T)	BP Business Park
		GMU General Mixed Use
	MU-W Mixed Use-Waterfront (formerly part of W-1)	CW Commercial Waterfront
	<b>Form Districts</b>	
C-4 Business Center Commercial	F-1 Form District 1	CBP Central Business Primary
	F-2 Form District 2	
	F-3 Form District 3	
DWMX-D Downtown Waterfront Mixed-Use Design	F-4 Form District 4	TE Tourism/Entertainment
	F-5 Form District 5	
	F-6 Form District 6	CBS Central Business Secondary
<b>Institutional</b>	<b>Special Purpose</b>	
MC Medical Center	(replaced with MU-I)	MD Medical District
MCL Medical Center Link	[Retired]	
Skyharbor Airport	A-1 Airport	TU Transportation & Utilities
	P-1 Park & Open Space	P Preservation (public owned land)
		R Recreation
		INST Institutional
<b>Manufacturing</b>		
M-1 Manufacturing	(Merged into MU-B)	LI Light Industrial
I-P Industrial Park	(Merged into MU-B)	BP Business Park
I-T Industrial Technology		
M-2 Manufacturing	I-G Industrial-General	GI General Industrial
W-1 Waterfront	W-I Waterfront Industrial	IW Industrial Waterfront
<b>Overlay Districts</b>	<b>Overlay Districts</b>	
Water Resources Management	Natural Resources Overlay	SLO Sensitive Lands Overlay
	Skyline Parkway Overlay	
	Historic Resources Overlay	HISTO Historic Resources Overlay
	University Housing Overlay	HEO Higher Education Overlay