



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

Room 160  
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 Duluth, Minnesota 55802



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planning@duluthmn.gov

File Number	PL 20-130	Contact	John Kelley	
Type	Rezone from RR-1 to RR-2	Planning Commission Date		October 13, 2020
Deadline for Action	Application Date	August 27, 2020	60 Days	October 26, 2020
	Date Extension Letter Mailed	September 22, 2020	120 Days	December 25, 2020
Location of Subject		3821 North 87 <sup>th</sup> Avenue West		
Applicant	Terry and Ashley Dunbar	Contact		
Agent	Kimberley Brzezinski	Contact		
Legal Description		See Attached Map		
Site Visit Date		October 2, 2020	Sign Notice Date	September 29, 2020
Neighbor Letter Date		September 28, 2020	Number of Letters Sent	8

**Proposal**

The Applicant is proposing to rezone the subject property from the current zoning district of Residential-Rural 1 (RR-1) to Residential-Rural 2 (RR-2).

**Staff Recommendation**

Staff recommends that Planning Commission recommend approval of the proposed rezoning from RR-1 to RR-2.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	RR-1	Residential	Low Density Neighborhood
<b>North</b>	RR-1	Residential	Low Density Neighborhood
<b>South</b>	RR-1	Residential	Low Density Neighborhood
<b>East</b>	RR-1	Residential	Low Density Neighborhood
<b>West</b>	Proctor	Undeveloped	Low Density Neighborhood

**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.

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

### Housing Chapter

Policy #5 – Expand the cohesiveness of “One Duluth” by expanding a variety of housing opportunities throughout the city while maintaining unique community characteristics within distinct individual neighborhoods.

### 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.

## **Review and Discussion Items:**

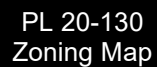
- 1) The applicant proposes rezoning approximately 5 acres of land located at 3820 North 87<sup>th</sup> Avenue West. The applicant is the property owner and has their home and accessory structures located on the parcel. The rezoning would be consistent with the Imagine Duluth 2035 Comprehensive Plan. This proposed rezoning would allow the applicant to sell the northern portion of the property for possible development of a new single family home. The applicant has also submitted a companion application for a boundary line adjustment to make the northern parcel into a 2-acre lot compliant with RR-2 parcel size.
- 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. The future land use designation for the subject area is Low Density Neighborhood.
- 3) State Statute requires that a community's zoning map implement the general objectives of the Comprehensive Plan. The future land use category of Low Density Neighborhood is most commonly reflected in the City's zoning map as RR-2. 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 existing land use of the immediate area is residential with similar parcel size to the east of the subject area.
- 4) The purpose of the RR-2 district is 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. Intended uses include residential, community and cultural facilities, educational facilities and agriculture.
- 5) Based on the development pattern of adjacent areas, the guidance of the comprehensive plan, and the purpose statement of RR-2 zone district, rezoning as proposed in the attached map is appropriate for this area.
- 6) No public, agency, or City comments have been received at this time of writing this staff report.

**Staff Recommendation:**

Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning from RR-1 To RR-2 as shown on the map titled Proposed Rezoning Area Map, with the additional comments:

- 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.





### Legend

## Zoning Boundaries

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.







PL 20-130  
FLU Map

### Legend

- 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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274100175

9111 Saint  
Louis  
River Rd

274100230

8901 Saint  
Louis  
River Rd

Subject properties

St Louis River Rd 274100240

274100290

274100250

274100300

Low-density  
Neighborhood

274100260

3821 N  
87th Ave W

3822 N  
87th Ave W

274100310

274100270

3907 N  
87th Ave W

3802 N  
87th Ave W

N 87th Ave W

0 65 130 260 390  
Feet



87th Ave W

274100370

Aerial photography flown 2019

Prepared by: City of Duluth Planning & Economic Development, June 2, 2020. Source: City of Duluth.