



Planning & Development Division
Planning & Economic Development Department

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File Number	PL 20-152	Contact	Steven Robertson	
Type	Rezone from MU-B to R-2	Planning Commission Date		December 8, 2020
Deadline for Action	Application Date		60 Days	N/A City Application
	Date Extension Letter Mailed	N/A	120 Days	N/A
Location of Subject		Northwest Side of West 1st St, Between Piedmont Ave and 19 th Ave West		
Applicant	City of Duluth	Contact	Planning and Development	
Agent		Contact		
Legal Description		See Attached Map		
Site Visit Date		October 27, 2020	Sign Notice Date	November 25, 2020
Neighbor Letter Date		November 23, 2020	Number of Letters Sent	64

Proposal

Rezone property from the current zoning of Mixed-Use Business Park (MU-B) to Residential Urban (R-2).

Staff Recommendation

Staff is recommending approval of the proposed rezoning to R-2

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-B	Residential/Commercial	Traditional Neighborhood
North	R-2	Residential	Traditional Neighborhood
South	MU-B/F-5	Commercial	Central Business Secondary
East	R-2/F-5	Residential/Commercial	Central Business Secondary/Trad. Neigh.
West	R-2/F-5	Residential/Commercial	Central Business Secondary/Neigh. Mixed Use

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 ... 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: 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):

Governing Principles

Governing 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.

Future Land Use

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, neighborhood extensions, and new traditional neighborhood areas.

Site History or Previous Studies

Prior to the UDC adoption in 2010, this area was zoned M-1, Manufacturing District.

The Lincoln Park Small Area Plan was adopted on August 31, 2015. The purpose of the Lincoln Park small Area Plan was to "conduct a more detailed study of the neighborhood and business district area along West Superior Street that was provided for in the Comprehensive Land use plan through an assessment of current demographics land use, zoning, transportation, development opportunities, and environmental characteristics that will form the basis of the plan recommendations and implantation strategy." The small area plan recommended rezoning an area to the east of the this proposed rezoning area (east of Piedmont Ave, between West Superior Street and West 1st Street) from MU-B to MU-N, but this specific area was not addressed; neither a rezoning change nor a future land use change was specifically called out in the plan. But it did have two recommendations in the housing section that supports this rezoning: Goal 1, Improve the Housing Stock, Making The Neighborhood a More Desirable Place to Live with Affordable Housing Options and Goal 3, Encourage Housing Development Near/Within the Superior Street Corridor.

The Imagine Duluth 2035 Comprehensive Land Use Plan was adopted on June 25, 2018.

Review and Discussion Items:

- 1) The City is proposing to rezone property from the current zoning of Mixed Use Business Park (MU-B), to Residential Urban (R-2), in conformance with the future land use map.
- 2) The future land use designation of this area is Traditional Neighborhood. Areas with this future land use designation are typically zoned R-1.
- 3) 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 category of Urban Residential is most commonly reflected in the City's zoning map as R-2. Other criteria for zoning may include considering existing land use patterns and if the rezoning is related to the needs to the community or existing land use.
- 4) This area is currently zoned MU-B. The purpose of the MU-B district is intended to "accommodate modern light industrial and technology-based developments of attractive integrated design and function. The development standards for this district are intended to ensure that projects minimize adverse impacts on surrounding uses and neighborhoods, reduce impacts on the natural environment, enhance the visual quality of development and ensure the provision of adequate and cost-efficient public facilities. Intended uses include wholesaling, industrial services, research laboratories, and light manufacturing needed to support the community and region at large".

5) This area is proposed to be zoned R-2. The purpose of the R-2 district is 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.

6) The area to be rezoned contains approximately 11 principle structures used for residential purposes (single and multi-family). This proposed rezoning excludes one principle structure used for commercial purposes (auto repair) and an adjacent residential structure that are on the same block as the rezoning action. By approving this rezoning, the 11 residential structures would becoming legal conforming uses in the R-2 district. However, these structures themselves would still need to abide by setback and other bulk standards, are seek variances in the event of an expansion further into the setbacks.

7) Based on the future land use designation, character of the neighborhood in general and the proposed rezoning area in particularly, and the purpose statement of the R-2 zone district, rezoning as proposed is appropriate for this subject area.

8) No written correspondence has been received as of the date that this memo was printed, but there were several conversations with a property owner adjacent to the rezoning area.

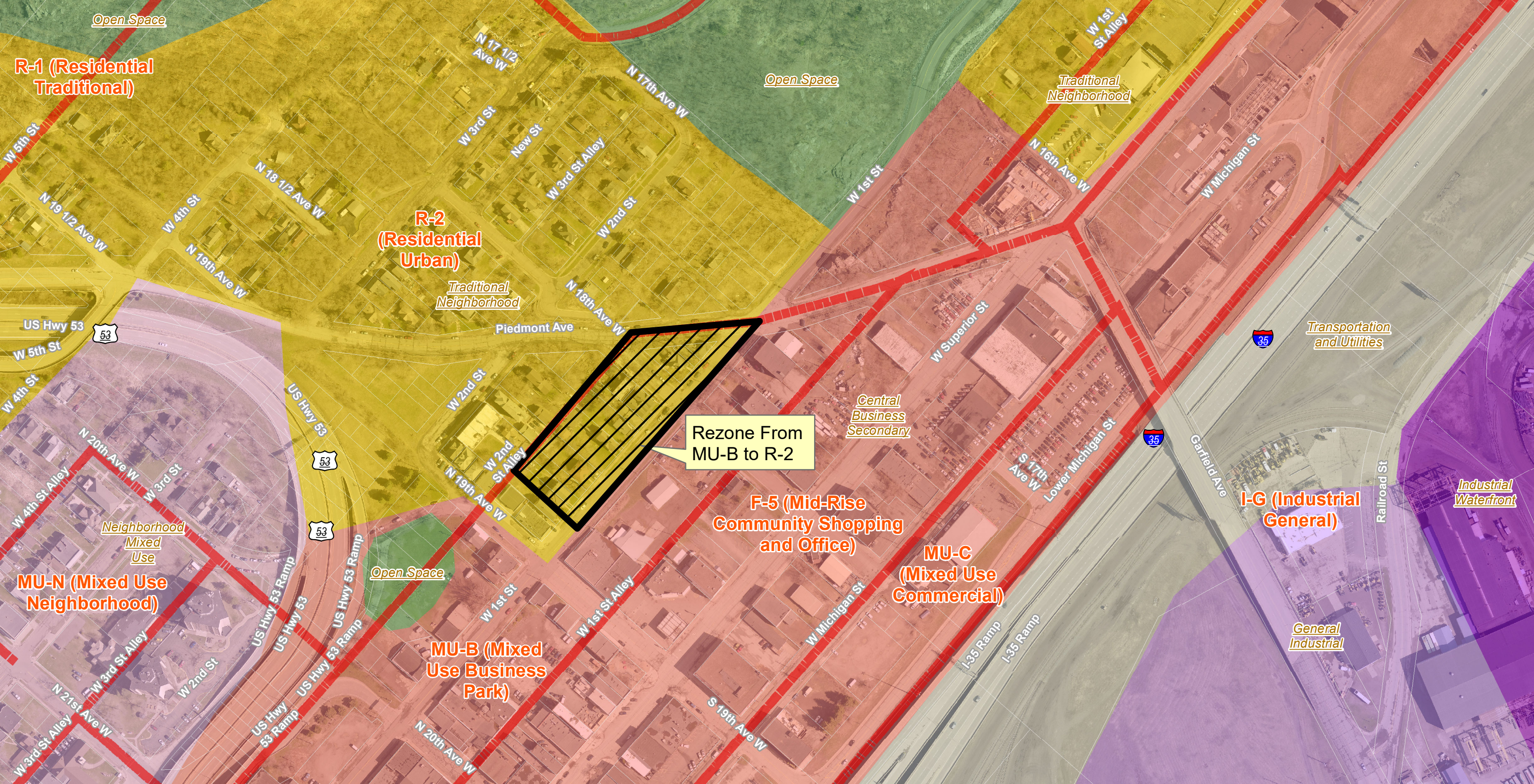
Staff Recommendation:

Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning to R-2, Residential Urban.

1) The rezoning is consistent with the Comprehensive Plan Future Land Use Map.

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

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



Open Space

R-1 (Residential Traditional)

R-2 (Residential Urban)

Traditional Neighborhood

Open Space

Traditional Neighborhood

Transportation and Utilities

Industrial Waterfront

General Industrial

Rezone From MU-B to R-2

F-5 (Mid-Rise Community Shopping and Office)

MU-C (Mixed Use Commercial)

I-G (Industrial General)

MU-B (Mixed Use Business Park)

MU-N (Mixed Use Neighborhood)

Neighborhood Mixed Use

Open Space

Central Business Secondary

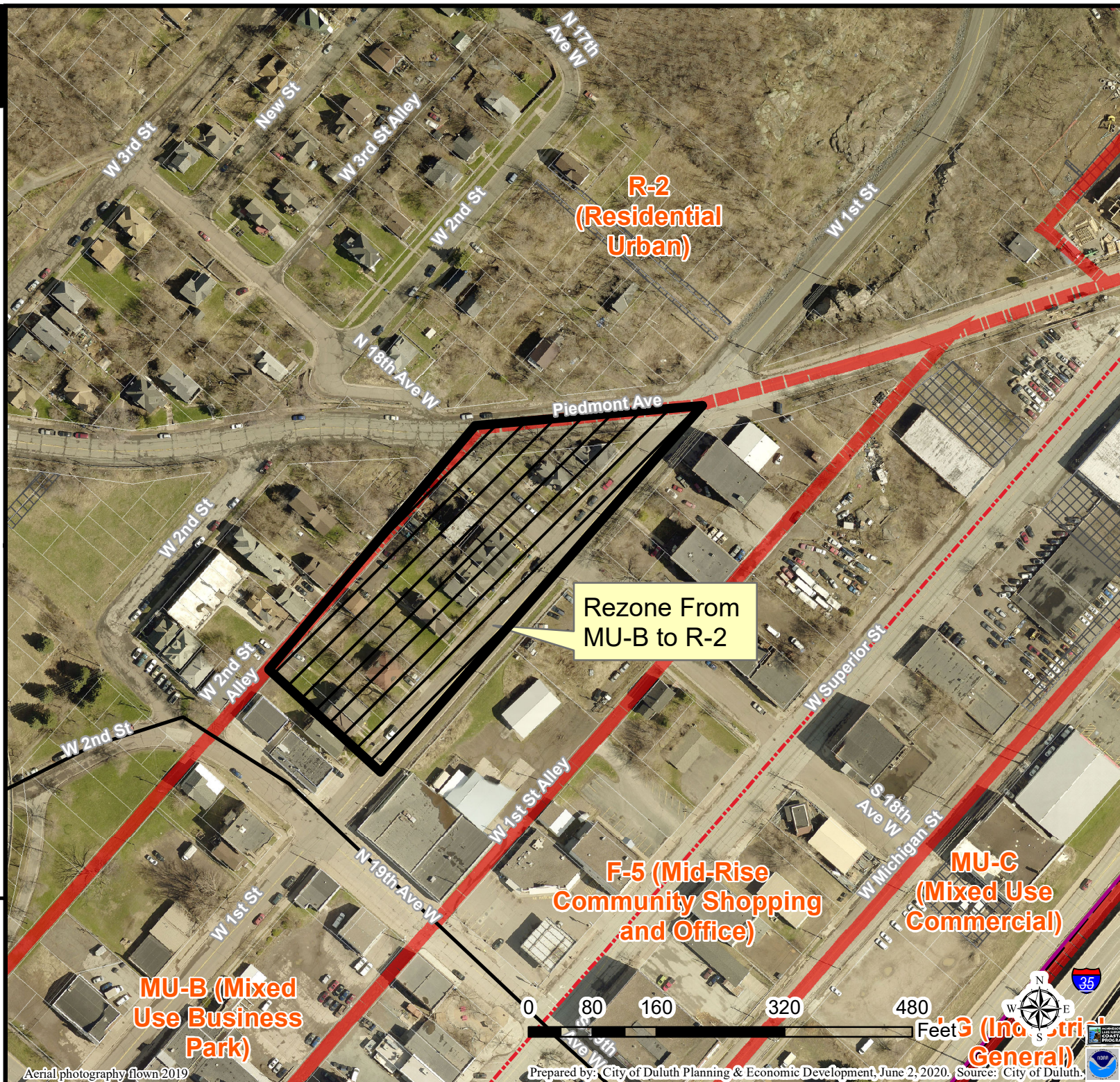
Legend

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Bike_Facil

- Bikelane
- Future Bike Facility
- Multi-Use Path
- Seasonal Multi-Use
- Signed Bikeable Shoulder
- Signed Shared Lane
- Study Route
- Bike
- Bike/Hike
- Horseback
- Hiking
- Multi-Use - Paved
- XC
- XC-Skiing Lighted
- Mountain Biking and X-Country Skiing
- Snowmobile
- Multi-Purpose Snowmobile
- Disc Golf Trail
- Climbing
- Vacated ROW
- 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.



Uses Allowed in Mixed Use-Business Park (MU-B) Zone District Revised January 2019

Permitted Uses

- Bus or rail transit station
- Government building or public safety facility
- Business art or vocational school
- Medical or dental clinic
- Kennel
- Veterinary or animal hospital
- Convention or event center
- Indoor entertainment facility
- Restaurant (less than 5,000 sq. ft.)
- Restaurant (5,000 sq. ft. or more)
- Hotel or motel
- Bed and breakfast
- Bank
- Office
- Data center
- Business park support activities
- Funeral home or crematorium
- Mini-storage facility
- Personal service and repair, small (less than 10,000 sq. ft.)
- Personal service and repair, large (10,000 sq. ft. or more)
- Building material sales
- Automobile and light vehicle repair service
- Automobile and light vehicle sales, rental or storage
- Filing station
- Parking lot (primary use)
- Parking structure
- Truck or heavy vehicle sales, rental, repair and storage
- Contractor's shop and storage yard
- Dry cleaning and laundry plant
- Research laboratories
- Industrial services
- Manufacturing, craft artisan studio
- Manufacturing, craft brewery
- Manufacturing, light
- Truck freight or transfer terminal
- Solar, geothermal, or biomass facility (primary use)
- Storage warehouse
- Wholesaling

Special Uses

- Cemetery or mausoleum
- Museum, library or art gallery
- Religious assembly, small (less than 50,000 sq ft)
- Religious assembly, large (50,000 sq. ft. or more)
- Other outdoor entertainment or recreation use not listed
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Radio or television broadcast tower
- Water or sewer pumping stations/reservoirs
- Wind power facility (primary use)
- Recycling collection point (primary use)
- Solid waste disposal or processing facility

Interim Uses

- Medical cannabis distribution facility
- Medical cannabis laboratory

Uses Allowed in Residential-Urban (R-2) Zone District

Revised January 2019

Permitted Uses

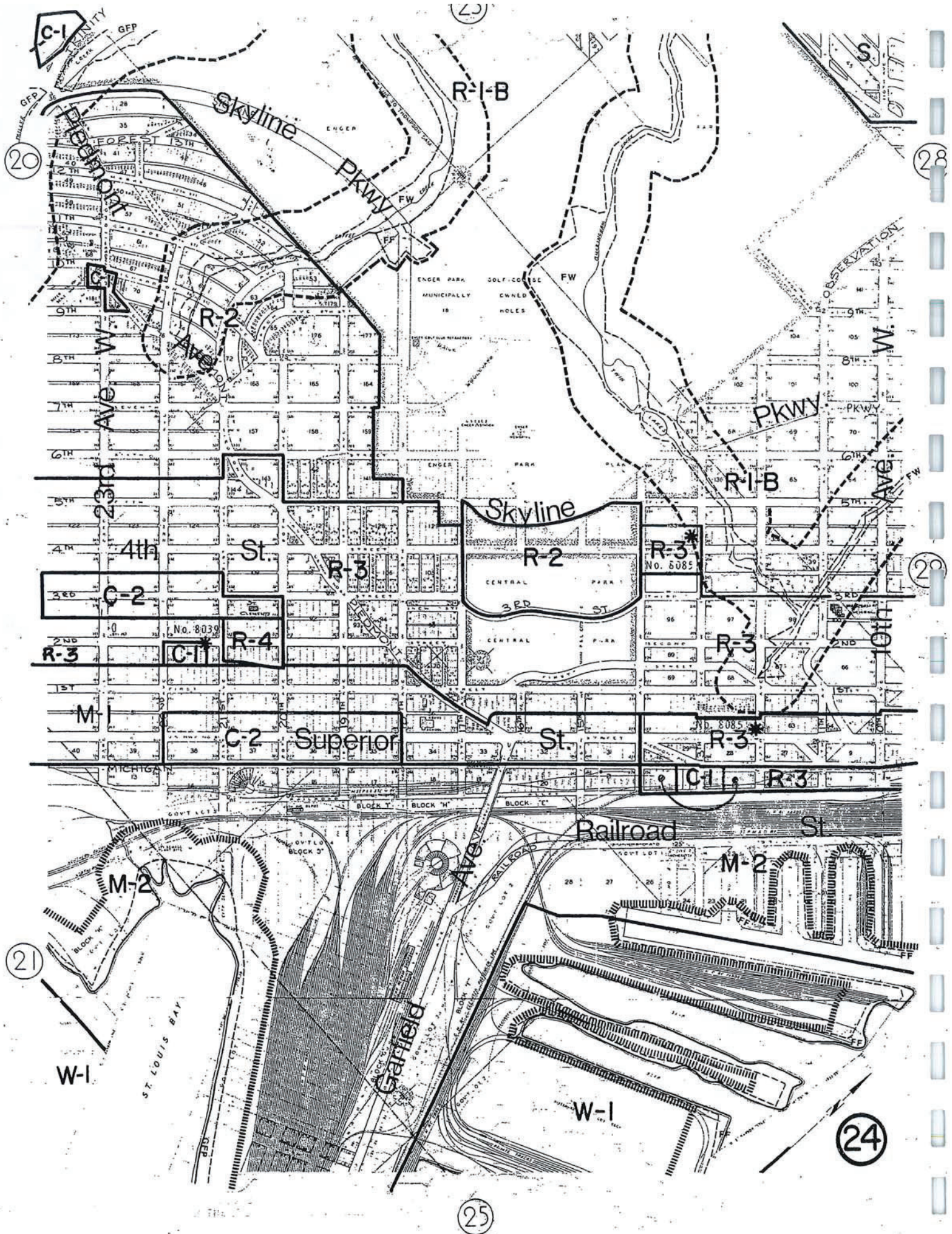
- Dwelling, one family
- Dwelling, two family
- Dwelling, townhouse
- Dwelling, multifamily
- Residential care facility/assisted living (6 or fewer)
- Residential care facility/assisted living (7 or more)
- Government building or public safety building
- Park, playground, or forest reserve
- Religious assembly, small (less than 50,000 sq. ft. or more)
- School, elementary
- Nursing home
- Agriculture, community garden
- Veterinarian or animal hospital
- Bed and breakfast
- Preschool
- Day care facility, small (14 or fewer)

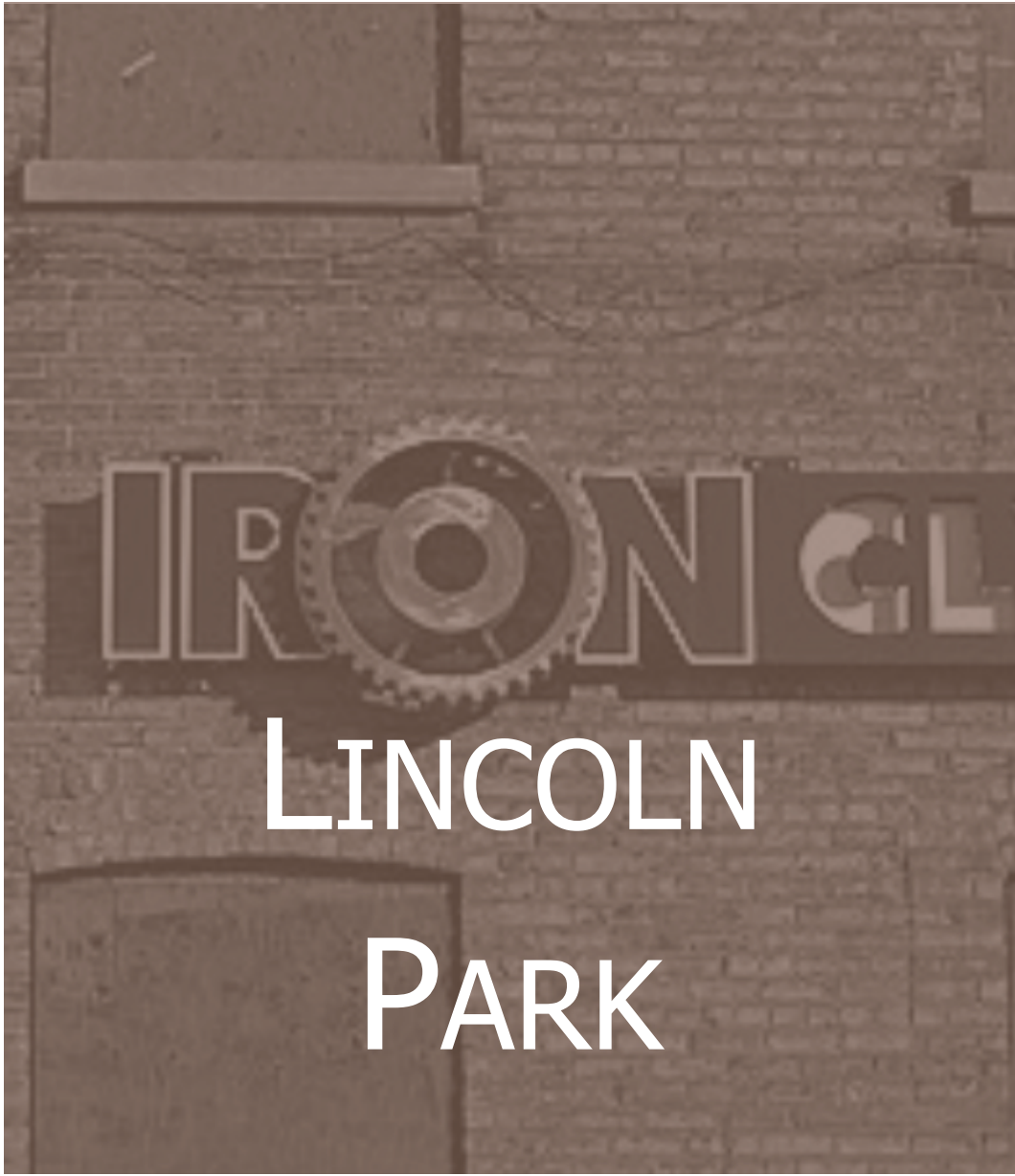
Special Uses

- Manufactured Housing Park
- Co-housing facility
- Rooming house
- Cemetery or mausoleum
- Club or lodge (private)
- Museum, library, or art gallery
- Religious assembly, large (50,000 sq. ft. or more)
- School, middle or high
- Agriculture, farmers market
- Agriculture, urban
- Medical or dental clinic
- Restaurant (less than 5,000 sq. ft.)
- Office
- Day care facility, large (15 or more)
- Funeral Home or crematorium
- Retail store not listed, small (less than 15,000 sq. ft.)
- Filling station
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Water or sewer pumping stations/reservoirs

Interim Uses

- Vacation Dwelling Unit





SMALL AREA PLAN



Rationale

The three health determinants assessed for Transportation recommendations included 1) safety (traffic and crime), 2) community building/social cohesion, and 3) access to healthy food. Overall the recommendations will likely have a significant positive impact on traffic safety for all users, and particularly for pedestrians and bicyclists; and possible positive impact on community building/social cohesion and access to healthy foods. Crime levels may be positive or negatively impacted; if more people are active in a community it can result in 'natural surveillance', more 'eyes on the street' and less crime; or more activity can sometimes result in higher crime levels (bike theft as a result of more bike parking).

Recommendations

- A. Locate bus stops away from entrances to bars, within sight of other locations (natural surveillance).
- B. Wayfinding – point out access to local retail, service and recreation destinations (e.g., Wheeler, Wade, Heritage, and "restaurants & shops" in central business district).
- C. Encourage more greening by developing a Lincoln Park streetscape program or requirements for street trees and street and building lighting in sidewalk replacement projects. Work with business owners and City Engineering on proper placement of street trees and lighting.



Lincoln Park Small Area Plan

Rationale

The dynamics of Lincoln Park's population is shifting. This includes a large number of people in their mid to late twenties who will be starting families in the near future. The 4th largest age cohort is 0-5 years of age suggesting this trend has already begun. To accommodate the housing needs for these age groups and to support efforts being made by community leaders a housing focus zone was identified on the Western edge of the Lincoln Park study area. This area is predominantly single family homes and is walkable to Harrison Community Center, Lincoln Park Middle School, the Heritage Center, and Duluth Children's Museum. Many of the homes were built on 25 foot wide lots over 60 years ago and are in poor condition. The focus will be on rehabbing homes that are in moderate condition, demolish those that are in poor condition, and consolidate these now vacant lots with the property of the adjacent neighbor thereby increasing the value of their property while reducing the neighborhood density. This will provide emerging families an improved housing stock to choose from and help give the neighborhood a more stable population.

To support young single and two person households and to meet the market demand, second floor housing above multi-story buildings along Superior Street is encouraged. The proposed zoning changes will allow for mixed used development and provide for convenient non-motorized access to businesses and amenities. Coordination among City departments and community partner's in identifying and enforcing the building code and rental licensing standards will promote the proposed housing recommendations and encourage resulting in a mix of housing that is decent and affordable.

Goal 1.

Improve the housing stock, making the neighborhood a more desirable place to live with affordable housing options

Recommendations

- A. Work with rental licensing and inspections to fully enforce rental and building code and gain full compliance of vacant property registration to ensure all rental properties in the area are safe and up to code.
- B. Increase promotional and educational efforts of the Housing Resource Connection. Inform the public throughout Lincoln Park, about all of the housing assistance products and programs available to assist with lowering existing homeowner's cost of living, removing

blight, encourage and lowering the cost of housing rehabilitation, and improvement to the rental housing stock.

- C. Designate a six-block focus area as a 'Lincoln Park Housing Revitalization Area' between First Street and Third Street and 26th Ave W and 30th Avenue West. This neighborhood has potential to be the impetus behind an entire revitalization of all of Lincoln Park given its centrality, proximity to businesses, amenities, parks, and transportation. Property values are low, yet many of the properties are in good condition or are potentially good rehab candidates. A focus of many of the previous recommendations could help to begin initial investment, with the potential of attracting families or young professionals looking to purchase first homes.

Goal 2.

Create a vibrant and safe residential neighborhood

Recommendations

- A. In areas where residential land uses collide with other non-residential uses, evaluate the effectiveness of current required screening for vehicle parking, parking lot surface, storage, and other potential neighborhood detractors.
- B. Remove structures that are condemned and deteriorated beyond rehabilitation. Remaining lots should be evaluated for redevelopment or sold to adjoining property owners, decreasing density and expanding lot sizes.

Goal 3.

Encourage housing development near/within the Superior Street Corridor.

Recommendations

- A. Through revised zoning, building code enforcement and housing program incentives encourage second floor apartments above businesses along the Superior Street Corridor, which creates addition housing but also the potential for business owners and/or employees to live near where they work.

Health Impact Assessment—Housing

Rationale

The three health determinants assessed for Housing recommendations included 1) housing needs (tenure, quality and affordability); 2) community building/social cohesion; and 3) access to healthy food. Overall, the recommendations will likely have a positive impact on homeownership and housing quality. The recommendations could possibly have positive or negative impacts on housing affordability (rehab costs could increase housing costs or result in cost savings, such as energy efficiency), community building/social cohesion (homeownership often increase social cohesion, but residents moving in and out of the neighborhood voluntarily or involuntarily can decrease social cohesion), and access to healthy food (could increase if new residents are coming from areas with lower food access or housing costs decrease and free up money for food, or it could be the opposite).

Recommendations

- A. Host annually an informational session in Lincoln Park on the acquisition of vacant residential buildings (or parcels), purchasing a home, and rehabilitation.
- B. Include "energy efficiency programs/assistance for home owners and renters, if available" in Housing recommendation 1-B. Energy efficiency improvements increase the value of home and could reduce housing cost-burden.
- C. Encourage screening between residential and non-residential uses to use "green wall" or other type of green screening as an alternative to hard-scape, while keeping in mind Crime Prevention through Environmental Design best practices for safety and defensible space.
- D. Enforce Duluth's first source hiring requirement in development agreements and consider tying requirement for attempted local hiring to the storefront loan program if there is a resulting increase in jobs. Increasing employment in the community may have a positive impact on crime levels and social cohesion.
- E. To support redevelopment of buildings and parcels in Lincoln Park, explore the possibility of unique building ownership models, such as non-profit owners with businesses run by for-profit companies.

