



Planning & Development Division
Planning & Economic Development Department

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File Number	PL 20-178	Contact	Steven Robertson	
Type	Rezone from MU-N to F-5	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		Historic Old Central High School		
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	38

Proposal

Rezone property from the current zoning of Mixed-Use Neighborhood (MU-N) to Form District 5 Mid Rise Community Shopping and Office (F-5).

Staff Recommendation

Staff is recommending approval of the proposed rezoning to F-5

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N	Institutional	Central Business Secondary
North	MU-N/F-6	Institutional	Open Space/Neighborhood Mixed Use
South	F-5	Commercial	Central Business Secondary
East	MU-N	Residential	Urban Residential
West	MU-N	Residential	Urban Residential

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

Central Business Secondary. An area adjacent to and supporting the central business primary area or a stand-alone area providing a similar mix of destination land uses but at a lower intensity than the primary CB area. Includes mixed regional and neighborhood retail, employment centers, public spaces, medium density residential, and public parking facilities.

Site History or Previous Studies

This property is designated as a local historic landmark (Ord 9127), with an adopted local preservation plan. Any redevelopment or reuse of the structure must conform to the preservation plan. The Heritage Preservation Commission reviews and approves Certificates of Appropriateness, to ensure proposed new construction follows the standards established by the preservation plan. The property owner and prospective developers will be encouraged to engage with the HPC early in the planning phases to discuss any proposed redevelopment.

Prior to the UDC adoption in 2010, the northern half of the school site (area for this rezoning) was zoned R-4, and the southern half was zoned C-4. Note that boundary of the Downtown and Canal Park Special Parking Area, as shown in section 50-24.1, generally follows the boundaries of the old C-4 zone district. These boundaries were set without consideration of property lines, and instead followed streets and alleys in the downtown area.

Form Districts were suggested in the 2006 Comprehensive Plan. The specific rezoning recommendations establishing form district zones were identified in the 2009 "City of Duluth Guide to Mapping Form Districts". The boundaries of the updated zoning districts for the site did not take into account the property's shape, dimensions, or historic use.

Two accessory parking lots serve this property and are located on either side of the structure but across the Avenues, adjacent to West Third Street. These parking lots are not part of the zoning, but continue as an accessory use to the principal use, the historic school structure. If those parking lots were sold separately, their underlying zoning of MU-N would apply for any redevelopment proposals.

Review and Discussion Items:

- 1) The City is proposing to rezone property from the current zoning of Mixed-Use Neighborhood (MU-N) to Form District 5 Mid Rise Community Shopping and Office (F-5).
- 2) The future land use designation of this area is Central Business Secondary. Areas with this future land use designation are typically zoned either MU-C or a Form District.
- 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. 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-N. The purpose of the MU-N district is intended to "accommodate a mix of neighborhood-scale, neighborhood 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.”

5) This area is proposed to be zoned F-5. The F-5 District is “applied to both the West Superior Street study area (Lincoln Park) and the transitional areas surrounding Downtown, including Canal Park and Central Hillside (Second Street from Sixth Avenue West to Third Avenue East). These areas consist of a combination of traditional mixed use buildings and office buildings, which conform to the style of Main Street Building II and Corridor Building II.”

6) This site is currently split zoned between MU-N on the northern half (with the structure), and F-5 to south. Properties that are zoned two (or more) distinctive zone districts are a challenge for the property owners to development/redevelop, and challenge for city staff to regulate. When possible and practical, it is best practices to have a parcel or development site to be located in one zoning district. Rezoning to F-5 is supported by the Future Land Use Designation.

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 F-5 zone district, rezoning as proposed is appropriate for this property.

8) No written correspondence has been received as of the date that this memo was printed.

Staff Recommendation:

Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning to F-5.

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.



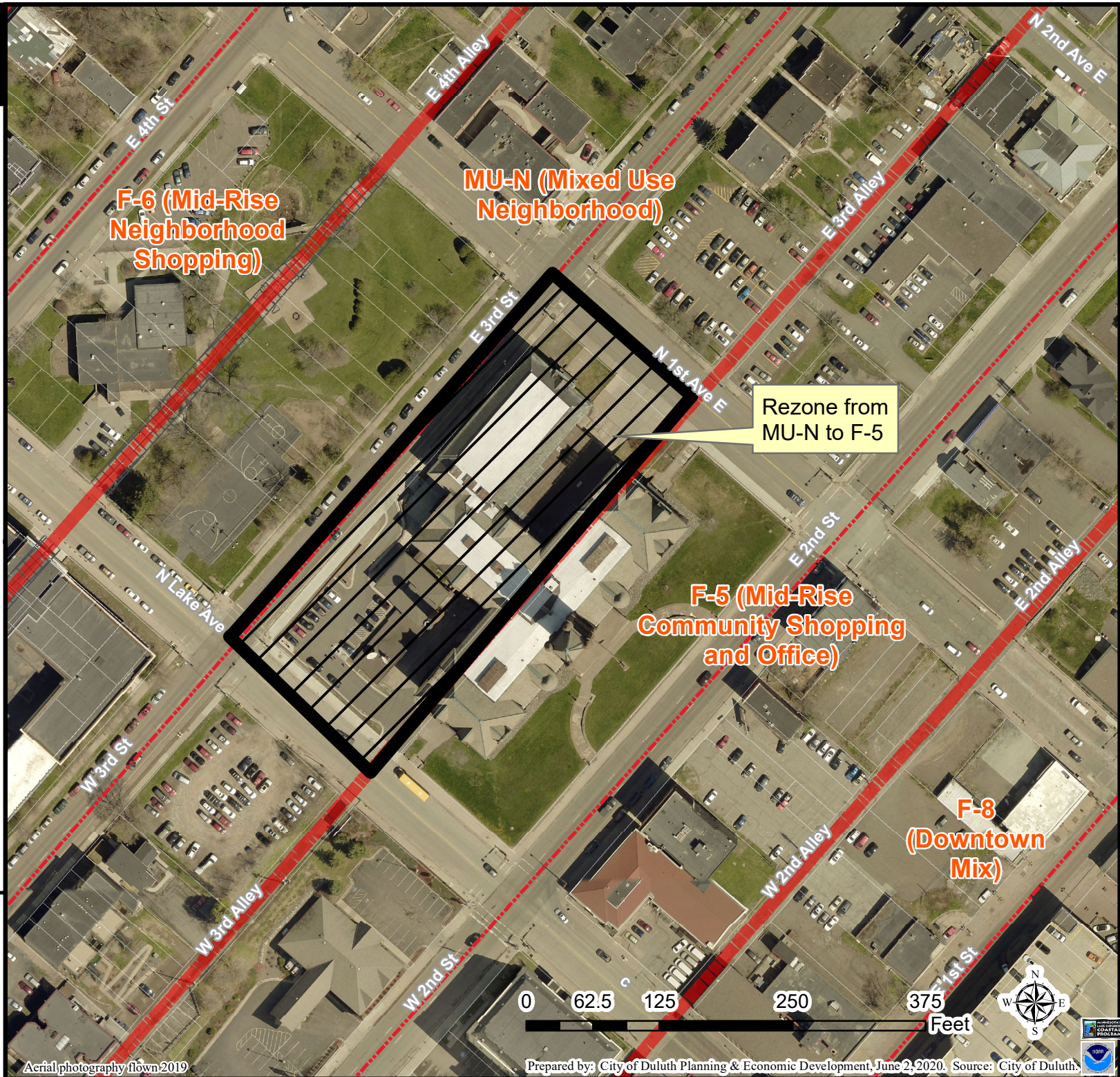
PL 20-178
Rezoning MU-N to F-5

Legend

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Bike_Facil

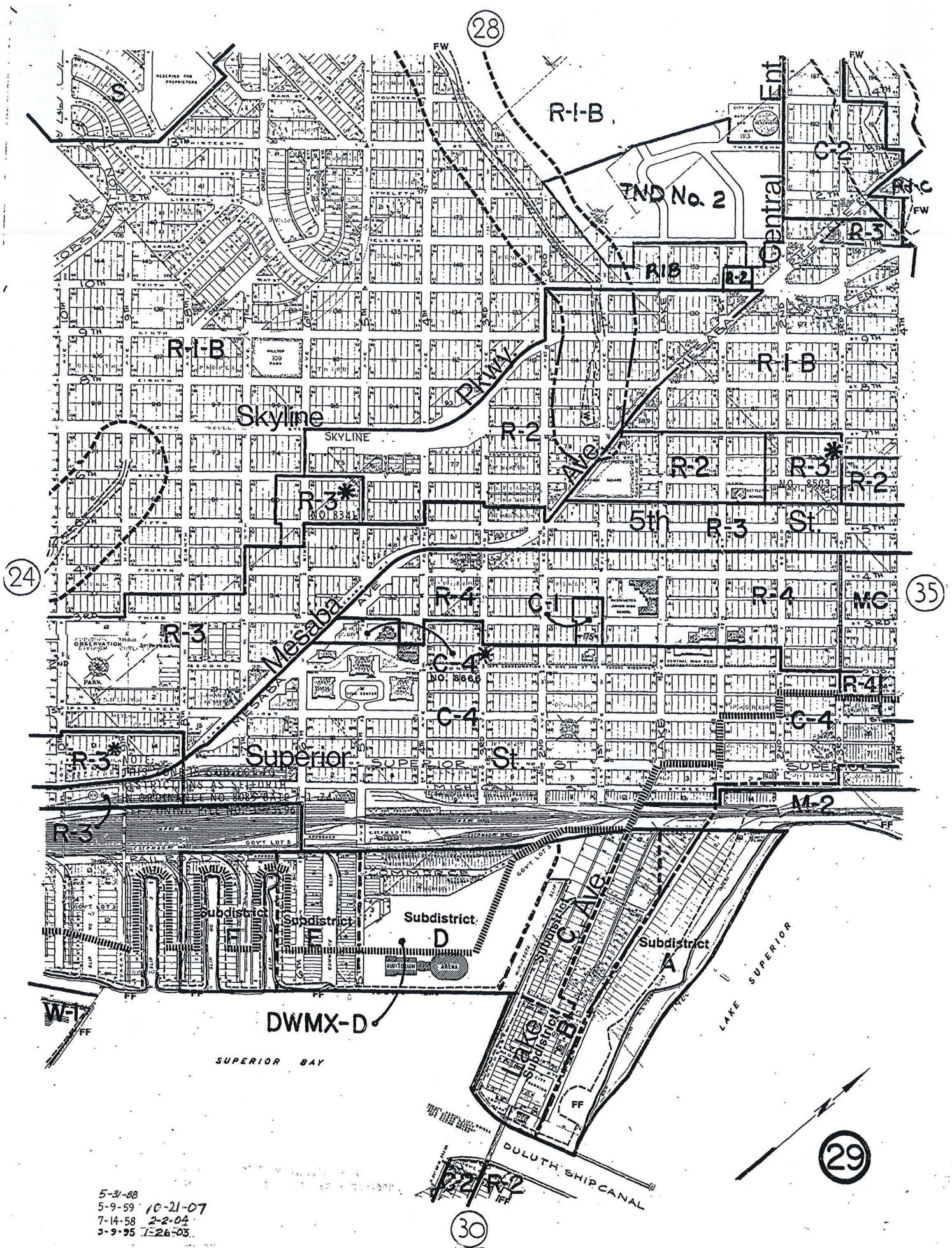
- Bikelane
- Future Bike Facility
- Multi-Use Path
- Seasonal Multi-Use
- Signed Bikeable Shoulder
- Signed Shared Lane
- Study Route
- Vacated ROW
- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)

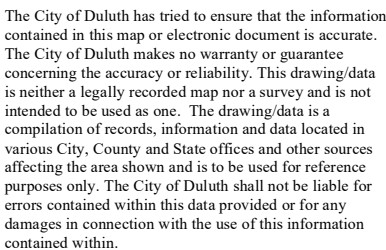
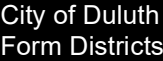


The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used 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.

Aerial photography flown 2019

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





Aerial photography flown 2016



Prepared by: City of Duluth Community Planning Division, March 26, 2019. Source: City of Duluth.



City of Duluth:
A Guide to Mapping the Form Districts

Draft September 9, 2009

Duluth Form-Based Districts

Guidelines for Mapping Form-Based Areas

The form-based districts (F-1 through F-8), listed in the proposed zoning code, each contain a mix of building types and use regulations. This document provides guidelines to assist in the location of these districts on the City’s zoning map.

General Guidelines

Form-Based Code Areas

The following mixed use commercial areas are those generally defined by the City to receive form-based districts:

- West Duluth
- West Superior
- Downtown and Canal Park
- Central Hillside
- London Road
- Lakeside/Lester Park (East Superior)

These areas were utilized as survey sites to develop the building types included in the code, although the building types may apply to other locations within the city. The form-based districts should be applied to pedestrian-oriented mixed use and commercial corridors or nodes within the city.

A sample map for each form-based code area is included for illustrative purposes, with the assumption that the City will map each area more specifically as they are remapping the entire city. The sample maps illustrate one possible application of the standards with a detailed description discussing how the standards were applied. Within these areas, appropriate mixed use and commercial locations will receive a form-based district, while residential properties within or adjacent to the areas should receive an appropriate [non-form-based] residential district.

Form-Based Districts

New districts were created for those areas within the City that are regulated by form-based coding. A brief description of each district follows; See **Section XX** for more information on Building Types. Table 1 lists the building types available in each district, as well as the study area surveyed

F-1: Main Street Building I

The F-1 District consists of only one building type, Main Street Building I. This district is meant to be mapped within the East Superior study area along the commercial nodes that take the form of traditional mixed-use development. Main Street Building I has a build-to zone of between 0’ and 15’, which allows the building to either be built adjacent to the sidewalk or set back further on the lot to match its surrounding residential context. This Building Type also requires a high amount of transparency on the ground floor.

F-2: Main Street Building I, Corridor Building I, Cottage Commercial Building I, Iconic Building

The F-2 District permits Main Street Building I, Corridor Building I, Cottage Commercial Building I, and the Iconic

Building. This district was designed for both the East Superior and London Road study areas, and is meant to serve as a mixed-use, neighborhood-scale commercial district. Corridor Building I is better suited for office or residential (apartment) uses. Due to its residential character, Cottage Commercial I is well suited to commercial uses that may occur adjacent to a residential area.

F-3: Main Street Building II

Several pockets within the West Duluth and Canal Park study areas contain older mixed-use buildings, with retail or office uses on the ground floor and office or residential uses on the upper floors. F-3: Main Street Building II was created to preserve this style of development and provide standards for future infill development to emulate the style as well. Main Street Building II has a small build-to zone, requiring the building to be constructed fairly close to the front property line.

F-4: Main Street Building II, Corridor Building II, Cottage Commercial Building II, Iconic Building

Portions of the West Duluth study area either contain auto-oriented development or a mixture of different Building Types. The F-4 District was created for those areas within West Duluth that are not strictly comprised of mixed-use buildings. These areas are often transitional in nature, as the study area switches from commercial to residential. The integration of Corridor Building II and Cottage Commercial II will assist in stepping down the intensity as the district approaches residential neighborhoods.

F-5: Main Street Building II, Corridor Building II, Iconic Building

The F-5 District is applied to both the West Superior area and the transitional areas surrounding Downtown, including Canal Park and 2nd Street from 6th Ave West to 3rd Ave East. These areas consist of a combination of traditional mixed-use buildings and office buildings, which conform to the style of Main Street Building II and Corridor Building II.

F-6: Main Street Building II, Cottage Commercial Building I

This district was created to respond to the commercial nodes present in the Central Hillside neighborhood. These nodes are separated by residential developments, which were not included in the study area. Main Street Building II and Cottage Commercial Building I provide flexibility in the style of commercial building, with the Cottage Commercial Building Type especially applicable when it’s located adjacent to residential development.

F-7: Main Street Building III

To preserve the historic mixed-use core of Downtown Duluth, F-7 was created to be applied in specific areas along West Superior Street. This district permits only Main Street Building III, which seeks to codify the existing urban structure of the heart of Downtown. The Building Type requires a storefront on the ground floor and that the building be located adjacent to the sidewalk. The F-7 and F-8 districts also permit the highest intensity development, with a maximum height along West Superior Street of 15 stories.

F-8: Main Street Building III, Corridor Building III, Iconic Building F-8 applies to other Downtown areas not included in the F-7 district. The district provides slightly more flexibility in building form than does F-7, as it permits both Main Street Building III and Corridor Building III for office and residential uses.

Mapping the Districts

The sample maps on the following pages illustrate the Districts outlined in the previous section. These standards relate back to the Building Types and Uses sections, which outline the physical requirements for buildings, such as location of the building on a lot, height, use, and general facade requirements. The discussions associated with each map also outline the permitted uses (refer to Section 3. Permitted Uses).

When mapping the districts, there are a few general planning guidelines to follow:

- Face Similar Districts Across Streets.* Similar districts should typically be located across the street, so that front doors face the same type of development. Building types can be mixed as long as their uses are similar, or, at a minimum, compatible.
- Transition Districts at Rear Property Line.* When transitioning between higher and lower intensity districts, such as Main Street-type commercial to single-family residential, the ideal transition point is typically along the rear property line.
- Corner Lots may be more intense.* Corner lots may be more intensely developed than the interior of a block, particularly if the corner lot faces a primary street or a street with a higher volume of traffic.
- Mapping Nodes.* Most of the study areas are continuous commercial corridors, multiple blocks in length. Some, however, are more nodal in character. For example, in

Central Hillside along 4th Street , the commercial occurs mainly at intersections, less than one block long. These nodes serve the neighborhood well. In some cases, one corner may be occupied by a commercial building. In others, when a building one lot in is commercial, it is recommended that the node be mapped to the corner.

Multiple Building Options

Several of the districts contain multiple Building Type options, all of which have their own purpose and appropriate application. For the most part, Main Street Buildings are meant to embody the historic pattern of development in Duluth - storefronts on the ground floor containing retail, office, or service uses with office or residential uses in the upper stories.

The Corridor Building Type has less transparency required on the ground floor, and is therefore better suited to office or multifamily uses, but in more intensive shopping areas such as Canal Park, can include retail and services on the ground floor. The Cottage Commercial Building Type is meant to blend in with the form of existing surrounding residential single-family but utilize commercial and office uses. It can serve as a nice transition between Main Street buildings and single family residences.

Lastly, the Iconic Building Type is reserved for unique civic, institutional, or public buildings that may not fit the standards for the other Building Types.

Primary Streets

Each form-based code area sample map also locates primary streets. Primary street designation indicates its importance as a walkable commercial thoroughfare; buildings should front on the primary street, treating the side of the lot adjacent to the primary street as the front of the lot. Typically, building types call for the entrances to be located on the front of the lot and parking may be accessed off a secondary street.

		Building Types								Areas
		Main Street Building I	Main Street Building II	Main Street Building III	Corridor Building I	Corridor Building II	Corridor Building III	Cottage Commercial I	Cottage Commercial II	
Districts	F1: Low-Rise Neighborhood Shopping	●								East Superior
	F2: Low-Rise Neighborhood Mix	●			●			●		East Superior, London Road
	F3: Mid-Rise Community Shopping		●							West Duluth, Canal Park
	F4: Mid-Rise Community Mix		●			●			●	West Duluth
	F5: Mid-Rise Community Shopping/Office		●			●			●	West Superior, Canal Park, 2nd St Downtown
	F6: Mid-Rise Neighborhood Shopping		●					●		Central Hillside
	F7: Downtown Shopping			●						Downtown
	F8: Downtown Mix			●			●		●	Downtown

Table 1: Building Types by Districts and Areas.

Duluth Form-Based Districts

West Duluth, West Superior, London Road, & East Superior Study Area Sample Maps

West Duluth

The West Duluth study area has relatively intact areas of historic main street-style development as well as newer development including strip malls and other auto-oriented building types. To respond to these two very different context areas, the West Duluth study area should contain 2 districts: F-3 and F-4. The F-3 District is mapped to preserve those areas that currently contain traditional mixed-use development (see **Figure xx**). It is also mapped to transition key areas, such as the intersection at Grand and Central, to create walkable connections to the intact portions of the study area. However, this will create multiple non-conformances in these locations and should be considered carefully during the mapping process performed by the City.

The F-4 District, which permits the Corridor II, Cottage Commercial II, and Iconic building types in addition to Main Street Building II, provides greater flexibility outside of the traditional mixed-use areas and should be utilized to transition away from the mixed use core. The existing large scale shopping center could be mapped as either F-3 or F-4, depending on the type of development desired in that area. Either district, however, will require that the buildings are built up to the street (Bristol, Ramsey, and/or a new street) to extend the pedestrian-orientation of West Duluth. Alternatively, the shopping center could be mapped as a more automobile oriented commercial district and remain as is.

West Superior

The West Superior study area consists primarily of older mixed-use buildings; however, many do not meet the transparency requirements of a storefront. Additionally, many of the uses along West Superior tend more towards office and service than retail. To preserve these buildings but allow lower levels of transparency to occur on the groundfloor, the F-5 district is recommended for this study area. Within F-5, Main Street Building II fits the characteristics of the majority of existing buildings in West Superior, and Corridor Building II is permitted in this area as well to provide some flexibility in building type.

Uses permitted in this area are similar to those permitted for other study areas. Main Street Building II is meant to house commercial or office uses on the ground floor and office or residential above, while Corridor Building II should have primarily office or residential uses. However, due to existing uses in the West Superior study area, there are also some light industrial and manufacturing uses permitted that could occur in either building type.

Finally, it might make more sense to confine the form-based districts to the areas between 22nd and 19th Streets, as this constitutes the most intact, walkable section. Remaining portions could be zoned with non-form districts to allow flexibility as the area transitions.

London Road

Recent planning efforts for the area of London Road have indicated a desire to return to a pedestrian-scaled environment, including a plan to narrow London Road to facilitate the ability of residents, visitors, and employees to cross the street freely and safely. To capitalize on this street improvement, it is recommended that development along London Road take the form of more pedestrian-friendly development. For this reason, the F-2 District is mapped for the London Road study area, as it provides a good amount of flexibility in building style and type, but also will further the walkability of the area.

The F-2 District permits a wide range of building types, including Main Street Building I, Corridor Building I, Cottage Commercial Building I, and the Iconic Building for use as the corridor completely transitions away from its existing form. It is important to note that this process will create multiple non-conformances. In this location, perhaps more so than any other, a plan should be in place to support this extensive change in character.

Lakeside/Lester Park (East Superior)

The East Superior corridor is a lengthy corridor extending through the Lakeside and Lester Park neighborhoods. The commercial areas along East Superior extend a couple of blocks, transition to residential, and then pick up again, making it nodal in character. The character of the area is less intensive, with smaller scale buildings and more cottage commercial than other locations.

There are two districts applied to the East Superior study area: F-1 and F-2. F-1 is mapped at the very western edge of the study area, while F-2 covers the majority of the rest of the area. There are also residential pockets in between the commercial areas, which should be given zoning classifications based on Chapter 2 of the Unified Development Code.

The F-1 district, mapped only in one very specific location in the East Superior area, requires Main Street Building I to match the existing mixed-use buildings in the area. The F-2 district, however, permits Corridor Building I, Cottage Commercial Building I, and the Iconic Building to provide more diversity in building style and the ability to blend in with single-family residential with the Cottage Commercial I building. Corridor Building I also provides an opportunity to incorporate more multifamily housing into the area, as the building type allows both office and residential uses.

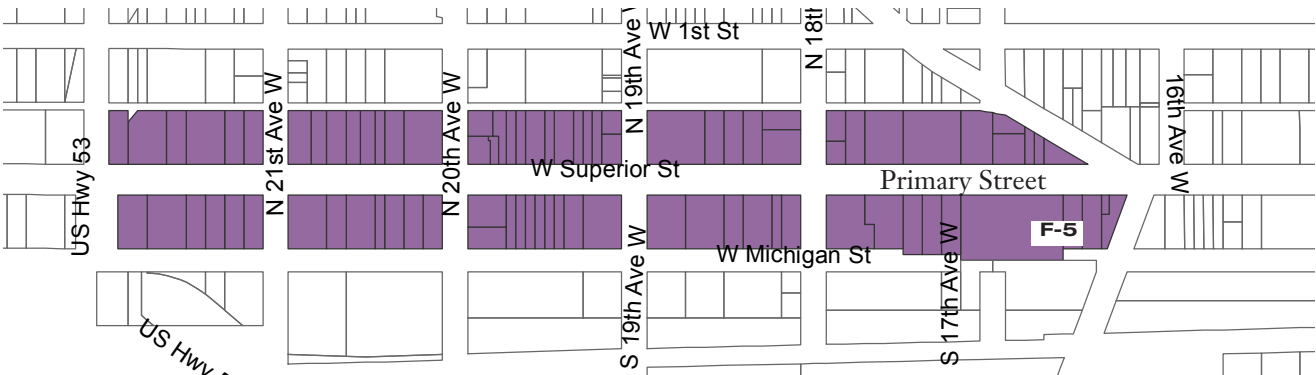


Figure XX: West Superior Sample Regulating Plan.

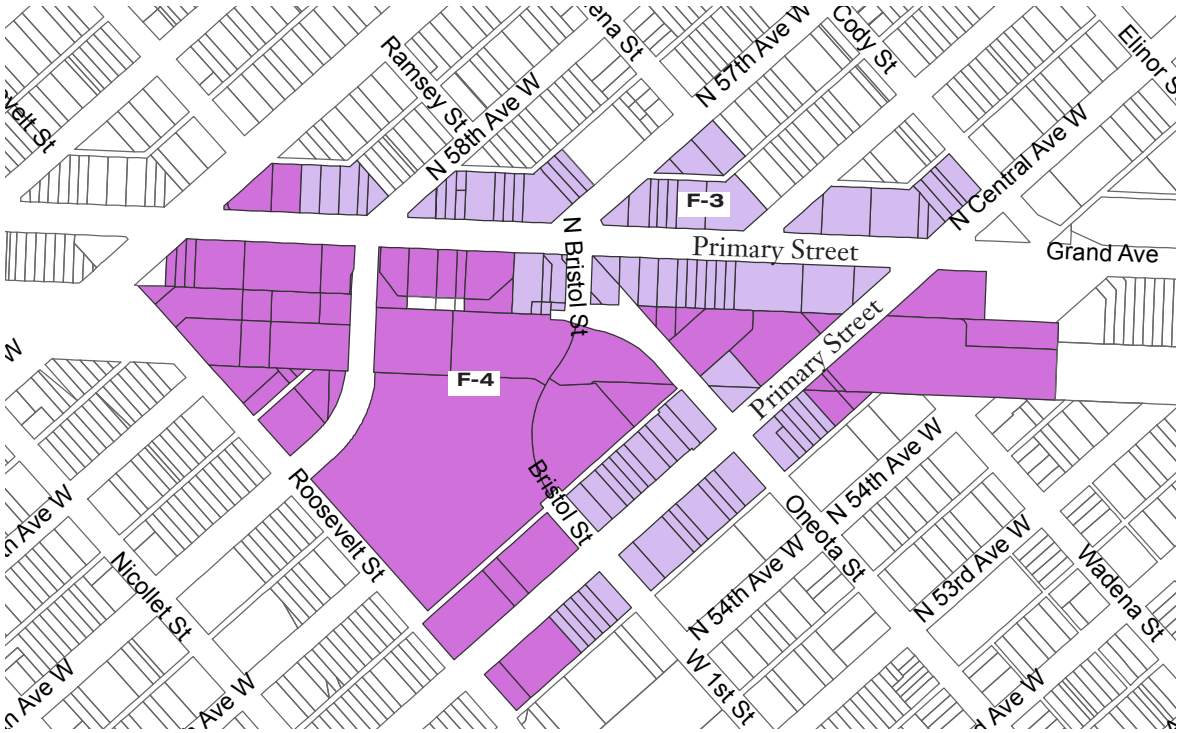


Figure XX: West Duluth Sample Regulating Plan.



Figure XX: London Road Sample Regulating Plan.

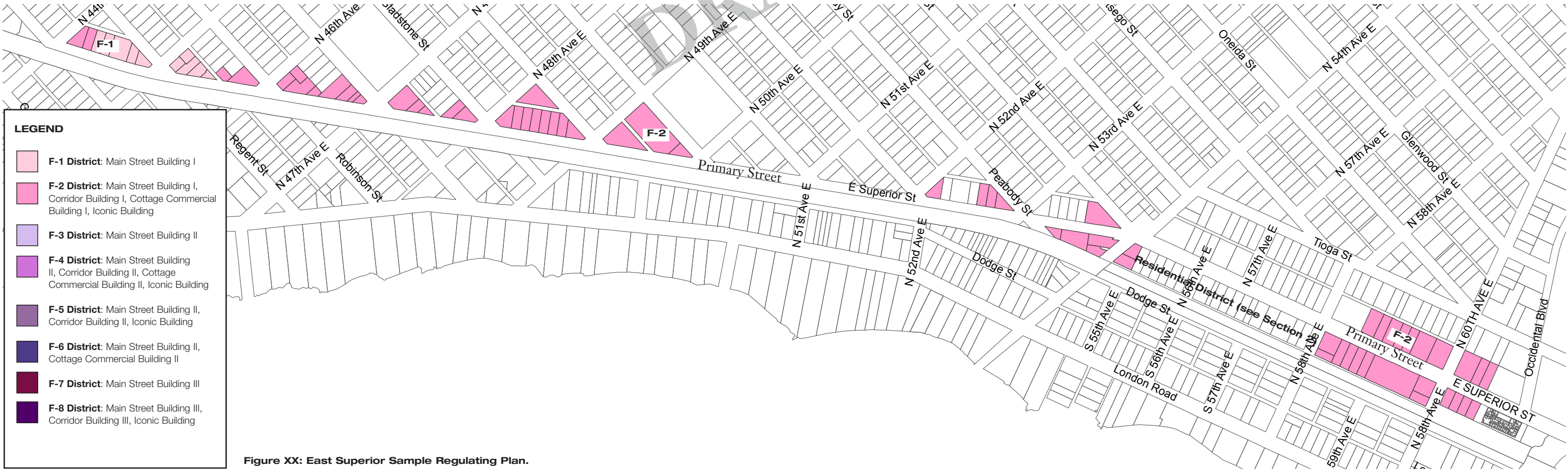


Figure XX: East Superior Sample Regulating Plan.

Duluth Form-Based Districts

Central Hillside, Downtown, & Canal Park Study Area Sample Maps

Central Hillside

The Central Hillside study area is characterized by nodes of neighborhood-scale commercial development interspersed with residential areas. The F-6 District is proposed to preserve and enhance the commercial nodes along West 4th Street, while the residential areas should be assigned a residential district per Chapter 2 of the Unified Development Code. The F-6 District includes Main Street Building III for typical mixed-use buildings and Cottage Commercial Building II, which will help to blend commercial areas with the adjacent residential. This district should be mapped primarily at the ends of blocks; If the district is required in the middle of a block, it should be extended to cover the whole block. In many cases, parking lots on corners are mapped as F-6 to encourage this extension to the corner.

Downtown Duluth

Downtown Duluth’s map consists of three different districts: F-5, F-7, and F-8. These districts exist to preserve the retail core of Downtown in F-7, provide a flexible retail and supportive services area in F-8, and provide a transitional area between Downtown and the adjacent residential neighborhoods to the northeast in F-5. The F-7 District, mapped very sparingly along West Superior Street, permits only one building type, Main Street Building III. Most, if not all, of the existing building types in the F-7 area conform to the characteristics of Main Street Buildng III; this district is meant to preserve the historic storefront core of Downtown.

The F-8 District provides a little more flexibility than the F-7 district, permitting Main Street Building III as well but also Corridor Building III for supportive office and residential apartment uses. The Iconic Building is also permitted for civic and institutional uses. Finally, the F-5 district is mapped along West 2nd Street and permits essentially the same building types as F-8 but as different versions - Main Street Building II, Corridor Building II, and, again, the Iconic Building. Main Street Building II and Corridor Building II are less intensive building types than their counterparts in the F-7 and F-8 districts

(Main Street Building III and Corridor Building III), making them ideal to step down development from the Downtown core towards the residential neighborhoods.

There is also a variation of heights allowed in different parts of the Downtown study area. For example, Main Street Building III and Corridor Building III are permitted to reach up to 15 stories along West Superior Street; this number drops down to 9 stories on adjacent streets. Main Street Building II and Corridor Building II, being located in a transitional area, are permitted to reach up to 6 stories along 2nd Street. These heights were set based on existing buildings in the Downtown, but should be verified prior to mapping and implementation.

Primary street frontages have been defined for the study area; buildings should treat the side of the lot facing the primary street as the front of the lot. In instances where the lot is a through lot, as between West Superior Street and East Michigan Street, the lot should treat West Superior Street as the primary frontage.

Commercial, office, and limited residential uses are permitted throughout Downtown in order to provide flexibility to respond to market changes as well as to limit nonconforming uses. However, since the F-7 district represents the retail core of Downtown, effort should be made when possible to keep the district as retail-oriented as possible.

Canal Park

Canal Park has two permitted districts, F-3 and F-5. The F-3 district permits only Main Street Building II to preserve the mixed-use retail node along Canal Park Drive. While office and residential uses are permitted in the F-3 district, retail should be emphasized as the desired ground floor use in this area to promote a strong commercial node. The F-5 District permits Main Street Building II as well, and adds in Corridor Building II and the Iconic Building. Corridor Building II is meant for office and apartment uses as well as to accommodate hotel uses along Lake Superior. While it is recommended that the majority of

buildings in Canal Park front on the primary streets indicated on **Figure xx**, buildings along Lake Superior may front on the lake.

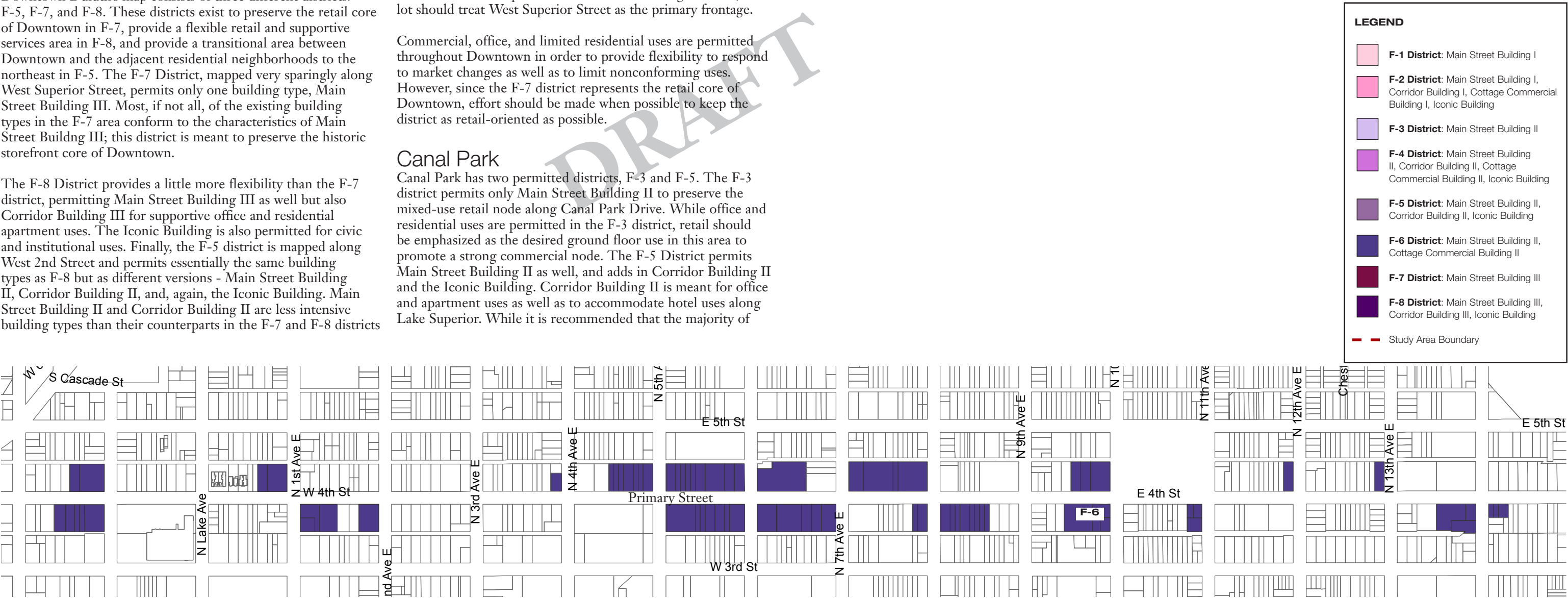


Figure XX: Central Hillside Sample Regulating Plan.

Duluth Form-Based Districts
Central Hillside, Downtown, & Canal Park Study Area Sample Maps



Figure XX: Downtown Sample Regulating Plan.