



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 21-068	Contact	Steven Robertson	
Type	Rezone from R-1 to MU-N	Planning Commission Date	June 8, 2021	
Deadline for Action	Application Date	May 7, 2021	60 Days	July 6, 2021
	Date Extension Letter Mailed	May 24, 2021	120 Days	September 4, 2021
Location of Subject	6920 Grand Avenue			
Applicant	Peter Cpin, Property Owner	Contact		
Agent	Donnell Kelly, Tenant (Perfect Timing Auto)	Contact		
Legal Description	See Attached Map			
Site Visit Date	May 25, 2021	Sign Notice Date	May 25, 2021	
Neighbor Letter Date	May 25, 2021	Number of Letters Sent	37	

Proposal

Rezone property from the current zoning of Residential-Traditional (R-1) to Mixed-Use Neighborhood (MU-N).

Staff Recommendation

Staff is recommending approval of the proposed rezoning to MU-N.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Commercial	Open Space
North	R-2/R-1	Residential	Open Space
South	R-1	Residential	Open Space
East	R-1	Residential/Institutional	Traditional Neighborhood
West	MU-N	Commercial	Traditional 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.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

The following Imagine Duluth 2035 Governing Principle(s) should be considered when reviewing the request:

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

Open Space- High natural resource or scenic value, with substantial restrictions and development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls. Examples include: city parks and recreation areas, primary viewsheds, shorelands of the lake and streams, wetlands and floodplains, and high-value habitat.

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

In 1998, the site was rezoned from M-1 (Manufacturing) to R-2, (Two Family Residential). At this time, in 1998, the property was used as a dairy distribution and wholesale food distribution facility. When the UDC was adopted in late 2010, the property was rezoned from R-2 to R-1 (Traditional Neighborhood), as part of a city-wide rezoning. In 2013 it was documented by the city's Zoning Administrator that the property was being used as an oil change and an auto repair business. In 2019 and 2020 the City of Duluth's Life Safety department sent enforcement letters to the property owner noting that the dumping of tires or other solid waste was prohibited, and ordering them removed. A recent site visit by zoning staff showed the presence of significant tires, and two shipping containers (only very short term use of shipping containers is allowable in R-1).

There is an underground water/stream pipe at this property (68th Avenue Creek). The stream is diverted into a pipe about 175 feet to the north and west of this property, goes under Fremont Street, and exits the pipe about 300 feet to the south and east of the property. The future land use was established in the 2006 Comprehensive Plan as "Preservation" due to the presence of the stream.

If the rezoning was approved, the property owner and/or tenant would be able to apply for a Special Use Permit to expand the existing business. At present it is considered a non-conforming use in an R-1 district.

The Irving Fairmount Brownfields Revitalization Plan, adopted in late 2017, called for changing future land use and zoning in this general area/neighborhood. The future land use north of Waseca Street, about 300 feet northeast of this site, was changed to support mixed use development. In addition, all of the eastern edge of Grand Avenue, from Waseca Street to I35 was recommended to be changed to either mixed use or commercial; none was to be retained for future residential development.

Review and Discussion Items:

- 1) The property owner is requesting that the city rezone 6920 Grand Avenue from the current zoning of Residential-Traditional (R-1) to Mixed-Use Neighborhood (MU-N).
- 2) The future land use designation of this area is Open Space, adjacent to Traditional-Neighborhood. Areas with Open Space future land use designation are typically zoned either R-C (Rural Conservation), RR-1 (Rural-Residential 1), or P-1 (Park and Open Space).

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) The character of this immediate area is generally residential on the west side (hill side), and commercial on the east side (lake side) of Grand Avenue. Immediately to the southwest of this property is a gas station/car wash, bar restaurant, and motel, with one single family home, church, and commercial/office multi-tenant structure to the northeast of this property. Future commercial use of this site is a better fit with the character of the neighborhood than single family residential. The Irving Fairmount Brownfield Revitalization Plan called for changing the future land use and zoning designations of properties along the eastern edge of Grand Avenue, from Waseca Street north to I35, from residential to mixed use or commercial.

5) This area is currently zoned R-1. The purpose of the R-1 district is intended to "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".

6) This area is proposed to be rezoned to 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."

7) Based on: A) the character of the neighborhood in general and the proposed rezoning area in particular, B) the purpose statement of the MU-N zone district, and C) historic commercial use of this property and adjoining properties along Grand Avenue, the rezoning as proposed is appropriate for this property.

8) The rezoning necessitates the review of the property for conformity with the requirements of the UDC, which the applicant shall establish to ensure any applicable performance standards or requirements for screening are met, and other violations (dumping of tires and solid waste, and long term use of shipping containers for storage) are addressed and fully corrected.

9) One comment was received from a citizen, opposed to the rezoning.

Staff Recommendation:

Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning to MU-N for the following reason:

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

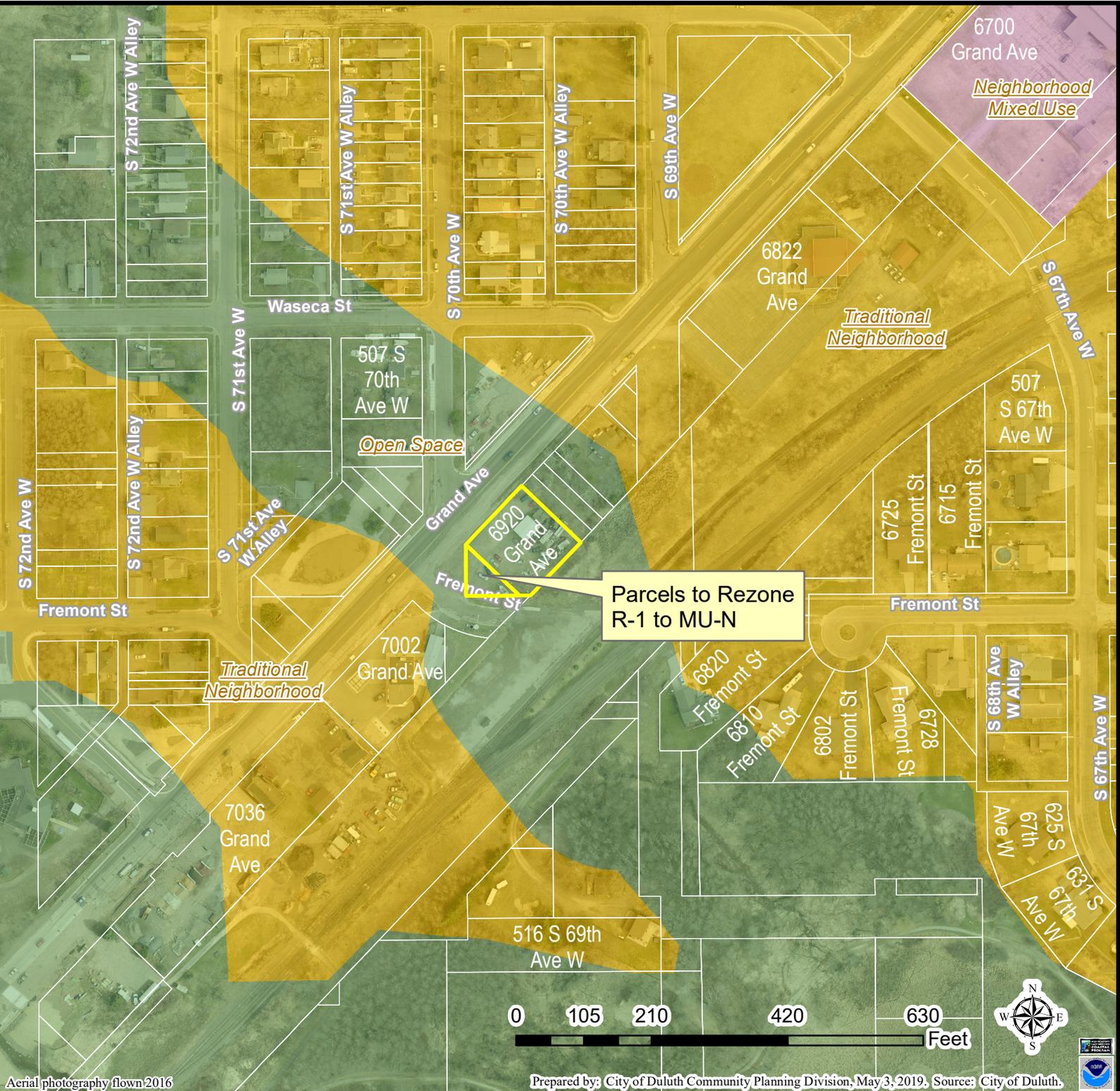


PL 21-068 Rezoning
R-1 to MU-N
FLU Map

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

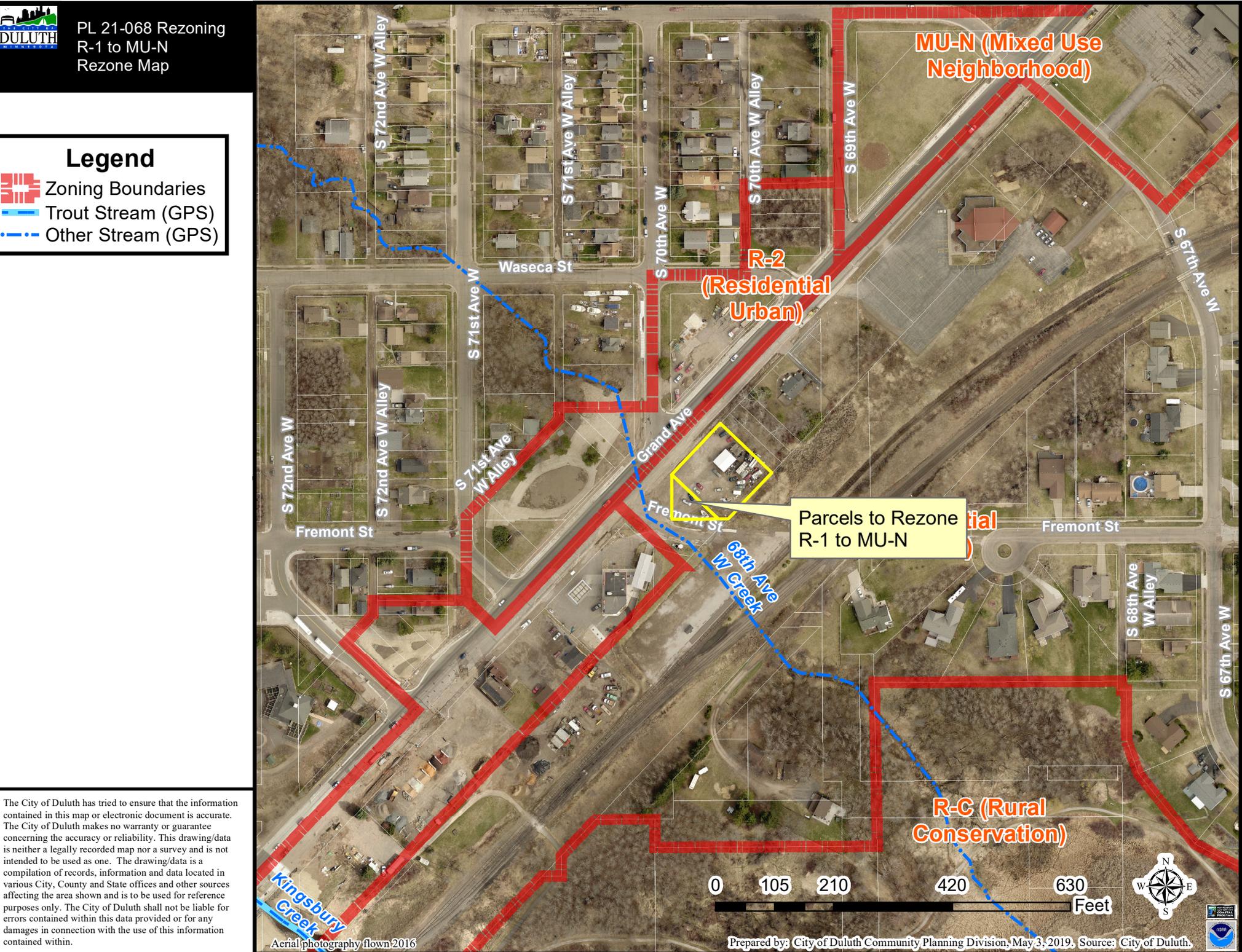
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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





Legend

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



Parcels to Rezone
R-1 to MU-N

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 2016

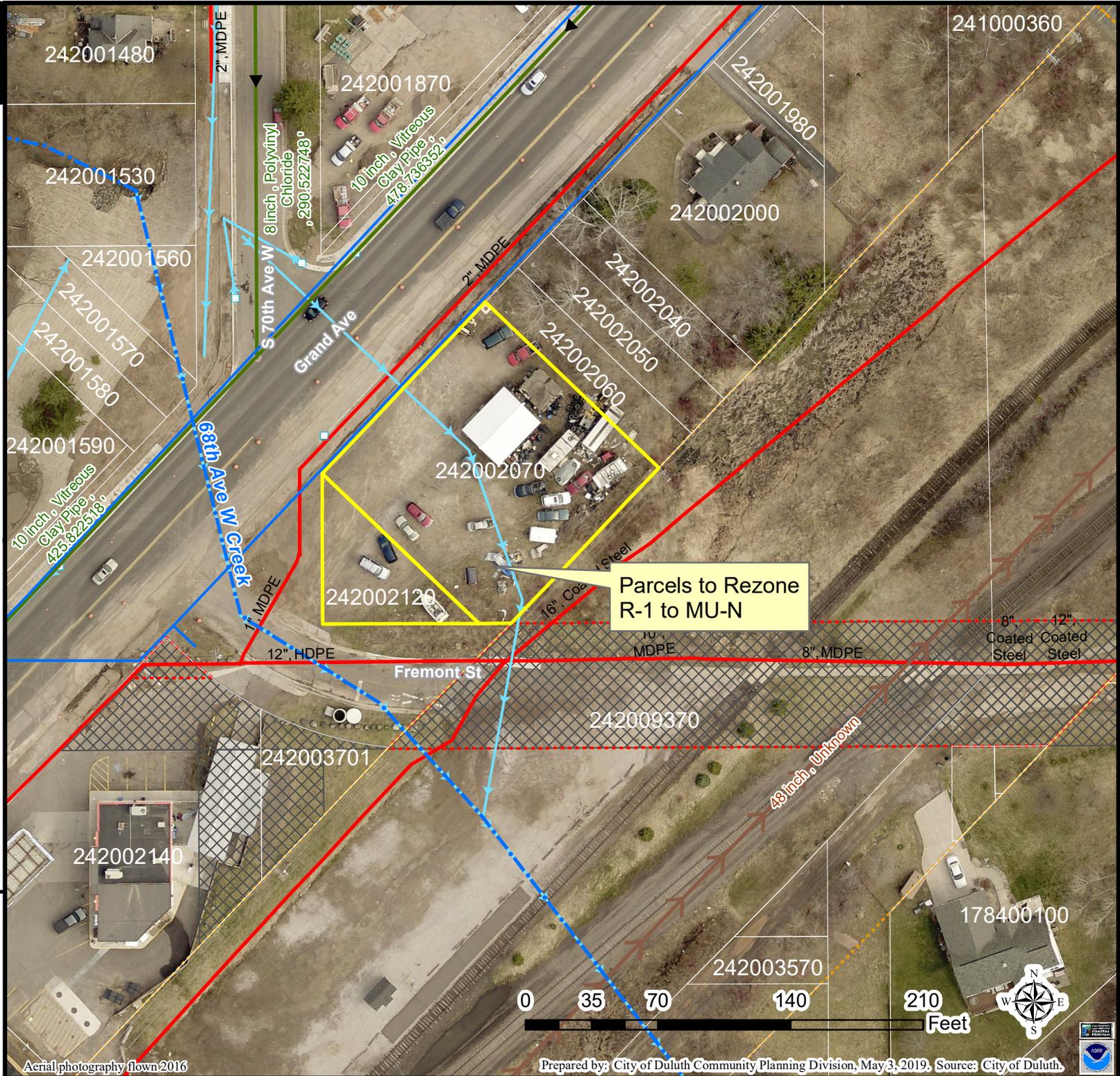




PL 21-068 Rezoning
R-1 to MU-N
Rezone Map

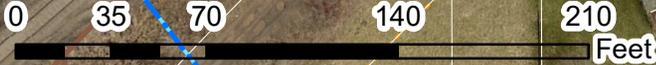
Legend

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
 - CITY OF DULUTH
 - WLSSD; PRIVATE
 - Sanitary Sewer Forced Main
 - Storage Basin
 - Pump Station
- Storm Sewer Mains**
 - Storm Sewer Pipe
 - Storm Sewer Catch Basin
- Easement Type**
 - Utility Easement
 - Other Easement
 - 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 2016



Prepared by: City of Duluth Community Planning Division, May 3, 2019. Source: City of Duluth.



6920 Grand Ave



© All Pictometry

6920 Grand Ave



© All Pictometry





Steven Robertson

-----Original Message-----

From: Richard Warner

Sent: Thursday, May 27, 2021 8:37 AM

To: planning <planning@DuluthMN.gov>

Subject: Rezoning

My wife and I are very much against the rezoning for 6920 Grand Avenue from R-1 to MU-N. It has become an eyesore in the neighborhood. The accompanying picture will show what we see from the back every time we enter the cul de sac. From your view it looks as though there is encroachment where he is placing all these tires. It is also a place heavily used to walk up to Grand Avenue. Most times there are many more vehicles in this area than I saw today. With our high property taxes we do not feel this is a fair improvement to the neighborhood.

Sent from my iPhone



