

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

12-021-0

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH AS REFERENCED IN CHAPTER 50, OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1, RESIDENTIAL-TRADITIONAL, AND R-2, RESIDENTIAL-URBAN, TO R-P, RESIDENTIAL-PLANNED, AT THE WOODLAND MIDDLE SCHOOL SITE AT 201 CLOVER STREET (VILLAGE CENTER AND BLUESTONE COMMONS DEVELOPMENT).

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That the subject property described as:

Lot 1, Block 6, Mount Royal Division of Duluth, and Lot 8, Block 19, Willard's Addition to Duluth;

Lots 2 and 3, Block 6, Mount Royal Division of Duluth;

Lots 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26, Block 2, and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, Block 3, and Lots 7, 8, 9, 10, 11 and 12, Block 8, Clover Hill Division of Duluth;

Lots 4, 5, 6, 7, 8 and 9, Block 9, Clover Hill Division of Duluth;

Lots 1, 14, 15, 16 and easterly half of Lot 13, Block 18, Willard's Addition to Duluth, and Lots 15, 16 and easterly half of Lot 14, Block 4, Clover Hill Division of Duluth;

Lots 11 and 12, Block 9, Clover Hill Division of Duluth;

Lot 3, Block 9, Clover Hill Division of Duluth;

All of Block 5, Clover Hill Division of Duluth;

Lots 1 and 2, Block 4, Clover Hill Division of Duluth;

Lots 1 thru 5, Block 8, Clover Hill Division of Duluth;

Lot 5, Block 2, Clover Hill Division of Duluth;

Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and west half of Lot 14, Block 4, Clover Hill Division of Duluth, and Lot 12 and west half of Lot 13, Block 18, Willard's Addition to Duluth;

Lot 6, Block 8, Clover Hill Division of Duluth;

Lots 1 and 2, Block 9, Clover Hills Division of Duluth;

Lot 10, Block 9, Clover Hill Division of Duluth;

Lots 1, 2, 3 and 4, Block 2, Clover Hill Division of Duluth;

Vacated Jackson Street, Summit Place and alleys in Clover Hills Division of Duluth;

Blocks 18 and 19, Motor Line Division of Duluth, except that part described as follows: commencing at the northeast corner of Lot 11, Block 18 of said Motor Line Division of Duluth; thence north 89° 52' 08" west, along the north line of said Block 18 a distance of 8.22 feet to the point of beginning; thence south 00° 08' 28" west, along a line parallel with the east line of said Lot 11 and its southerly extension a distance of 133.04 feet to the centerline of the alley lying between said Blocks 18 and 19; thence south 00° 07' 55" west, along a line parallel with the east line of said Lot 11, Block 19, and its northerly extension a distance of 87.00 feet; thence north 89° 52' 08" west; along a line parallel with the north line of said Block 18 a distance of 451.64 feet to the northwesterly line of said Block 18; thence northeasterly and easterly, along said northwesterly and northerly lines of said Block 18 a distance of 557.03 feet to the point of beginning;

All that part of Summit Street (a.k.a. Manitoba Street), Clover Hill Division of Duluth, lying easterly of the easterly line of Woodland Avenue;

All that part of East Griggs Place (a.k.a. Coddling Street), Clover Hill Division of Duluth, and all that part of East Griggs Place (a.k.a. Coddling Street), Motor Line Division of Duluth, lying easterly of the easterly line of Woodland Avenue, Clover Hill and Motor Line Divisions of Duluth;

All those parts of Prospect Avenue, Motor Line Division to Duluth, and Prospect Avenue, Mount Royal Division of Duluth, lying southerly of the southerly line of Elizabeth Street, Motor Line and Mount Royal Divisions of Duluth;

27th Avenue East, Willard's Division to Duluth, lying northwesterly of the northwesterly line of East Eighth Street, Willard's Division to Duluth;

All that part of the alley between Blocks 8 and 9, Clover Hill Division of Duluth, from the northerly line of Clover Street to a line 50 easterly of the easterly property line of Lot 3, Block 8, Clover Hill Division of Duluth;

All those lands encumbered by building lines affecting Blocks two (2), five (5) and eight (8), Clover Hill Division of Duluth;

The northwesterly one-half of the alley in Block 19, Willard's Division to Duluth;

The northwesterly one-half of the alley in Block 6, Mount Royal Division to Duluth;

All those parts of Clover Street and East Eighth Street, Clover Hill Division of Duluth, adjacent to those parts of Lots 4 thru 9, Block 9, said Clover Hill Division of Duluth, lying northerly of the northerly line of Clover Street extended and northwesterly of the northwesterly line of East Eighth Street extended;

be reclassified from R-1, Residential-Traditional, and R-2, Residential-Urban, to R-P, Residential-Planned, and that the official zoning map of the city of Duluth as referenced in Chapter 50 of the Duluth City Code, 1959, is amended to read as follows:



(Ref. File No. PL 12-012)

Section 2. That this ordinance shall take effect and be in force 30 days from and after its passage and publication.

Approved as to form:

  
\_\_\_\_\_  
Attorney

PC:plng SR:eu 3/30/2012

STATEMENT OF PURPOSE: This zoning map amendment provides a zoning change from R-1 and R-2 to R-P for the property commonly known as the Woodland School Site.

On March 27, 2012, the Duluth city planning commission held a public hearing on the proposal and voted 8-0 to recommend that the city council approve the rezoning request for following reasons:

- 1) Rezoning this site to R-P is consistent with the Comprehensive Land Use Plan because the Comp Plan designates the site primarily "Neighborhood Mixed Use" which is intended to be transitional use between more intensive commercial uses and purely residential neighborhoods,
- 2) Rezoning to R-P will allow a mix of uses that are reasonably related to the existing land uses in the area, and
- 3) Rezoning will provide housing options that are needed by the public and will result in a final product that provides a greater level of public benefit than would be required under the existing R-1 or R-2 zone district. The motion to approve the rezoning from R-1 and R-2 to R-P by the city council must prevail with a single majority.

Date of application: January 31, 2012

Action deadline: May 30, 2012

Petitioner:

Village Center Development LLC & BlueStone Commons, LLC

Attn: Mark Lambert

122 South Water Street

Stillwater, MN 55082

PL 12-012

## ***Overall Description - Tract Map***

LOT 1, BLOCK 6, MOUNT ROYAL DIVISION OF DULUTH AND LOT 8, BLOCK 19, WILLARD'S ADDITION TO DULUTH

LOTS 2 & 3, BLOCK 6, MOUNT ROYAL DIVISION OF DULUTH

LOTS 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 & 26, BLOCK 2 AND LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 & 14, BLOCK 3 AND 7, 8, 9, 10, 11 & 12, BLOCK 8, CLOVER HILL DIVISION OF DULUTH

LOTS 4, 5, 6, 7, 8 & 9, BLOCK 9, CLOVER HILL DIVISION OF DULUTH

LOTS 1, 14, 15, 16 & EASTERLY HALF OF LOT 13, BLOCK 18, WILLARD'S ADDITION TO DULUTH AND LOTS 15, 16 & EASTERLY HALF OF LOT 14, BLOCK 4, CLOVER HILL DIVISION OF DULUTH

LOTS 11 & 12, BLOCK 9, CLOVER HILL DIVISION OF DULUTH

LOT 3, BLOCK 9, CLOVER HILL DIVISION OF DULUTH

ALL OF BLOCK 5, CLOVER HILL DIVISION OF DULUTH

LOTS 1 & 2, BLOCK 4, CLOVER HILL DIVISION OF DULUTH

LOTS 1 THRU 5, BLOCK 8, CLOVER HILL DIVISION OF DULUTH

LOT 5, BLOCK 2, CLOVER HILL DIVISION OF DULUTH

LOTS 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 & WEST HALF OF 14, BLOCK 4, CLOVER HILL DIVISION OF DULUTH AND LOTS 12 & WEST HALF OF LOT 13, BLOCK 18, WILLARD'S ADDITION TO DULUTH

LOT 6, BLOCK 8, CLOVER HILL DIVISION OF DULUTH

LOTS 1 & 2, BLOCK 9, CLOVER HILLS DIVISION OF DULUTH

LOT 10, BLOCK 9, CLOVER HILL DIVISION OF DULUTH

LOTS 1, 2, 3, & 4, BLOCK 2, CLOVER HILL DIVISION OF DULUTH

VACATED JACKSON STREET, SUMMIT PLACE AND ALLEYS IN CLOVER HILLS DIVISION OF DULUTH

BLOCKS 18 AND 19 MOTOR LINE DIVISION OF DULUTH, EXCEPT THAT PART DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 11, BLOCK 18 OF SAID MOTOR LINE DIVISION OF DULUTH; THENCE NORTH 89° 52' 08" WEST, ALONG THE NORTH LINE OF SAID BLOCK 18 A DISTANCE OF 8.22 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00° 08' 28" WEST, ALONG A LINE PARALLEL WITH THE EAST LINE OF SAID LOT 11 AND ITS SOUTHERLY EXTENSION A DISTANCE OF 133.04 FEET TO THE CENTERLINE OF THE ALLEY LYING BETWEEN SAID BLOCKS 18 AND 19; THENCE SOUTH 00° 07' 55" WEST, ALONG A LINE PARALLEL WITH THE EAST LINE OF SAID LOT 11, BLOCK 19, AND ITS NORTHERLY EXTENSION A DISTANCE OF 87.00 FEET; THENCE NORTH 89° 52' 08" WEST; ALONG A LINE PARALLEL WITH THE NORTH LINE OF SAID BLOCK 18 A DISTANCE OF 451.64 FEET TO THE NORTHWESTERLY LINE OF SAID BLOCK 18; THENCE NORTHEASTERLY AND EASTERLY, ALONG SAID NORTHWESTERLY AND NORTHERLY LINES OF SAID BLOCK 18 A DISTANCE OF 557.03 FEET TO THE POINT OF BEGINNING.

ALL THAT PART OF SUMMIT STREET (a.k.a. MANITOBA STREET), CLOVER HILL DIVISION OF DULUTH, LYING EASTERLY OF THE EASTERLY LINE OF WOODLAND AVENUE

ALL THAT PART OF EAST GRIGGS PLACE (a.k.a. CODDING STREET), CLOVER HILL DIVISION OF DULUTH AND ALL THAT PART OF EAST GRIGGS PLACE (a.k.a. CODDING STREET), MOTOR LINE DIVISION OF DULUTH LYING EASTERLY OF THE EASTERLY LINE OF WOODLAND AVENUE, CLOVER HILL AND MOTOR LINE DIVISIONS OF DULUTH

ALL THOSE PARTS OF PROSPECT AVENUE, MOTOR LINE DIVISION TO DULUTH AND PROSPECT AVENUE, MOUNT ROYAL DIVISION OF DULUTH LYING SOUTHERLY OF THE SOUTHERLY LINE OF ELIZABETH STREET, MOTOR LINE AND MOUNT ROYAL DIVISIONS OF DULUTH

27TH AVENUE EAST, WILLARD'S DIVISION TO DULUTH, LYING NORTHWESTERLY OF THE NORTHWESTERLY LINE OF EAST 8TH STREET, WILLARD'S DIVISION TO DULUTH

ALL THAT PART OF THE ALLEY BETWEEN BLOCKS 8 AND 9, CLOVER HILL DIVISION OF DULUTH FROM THE NORTHERLY LINE OF CLOVER STREET TO A LINE 50 EASTERLY OF THE EASTERLY PROPERTY LINE OF LOT 3, BLOCK 8, CLOVER HILL DIVISION OF DULUTH

ALL THOSE LANDS ENCUMBERED BY BUILDING LINES AFFECTING BLOCKS TWO (2), FIVE (5) AND EIGHT (8), CLOVER HILL DIVISION OF DULUTH

THE NORTHWESTERLY ONE-HALF OF THE ALLEY IN BLOCK 19, WILLARD'S DIVISION TO DULUTH

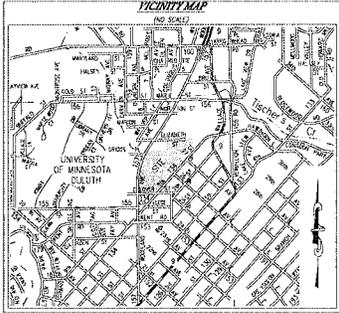
THE NORTHWESTERLY ONE-HALF OF THE ALLEY IN BLOCK 6, MOUNT ROYAL DIVISION TO DULUTH

ALL THOSE PARTS OF CLOVER STREET AND EAST EIGHTH STREET, CLOVER HILL DIVISION OF DULUTH ADJACENT TO THOSE PARTS OF LOTS 4 THRU 9, BLOCK 9, SAID CLOVER HILL DIVISION OF DULUTH LYING NORTHERLY OF THE NORTHERLY LINE OF CLOVER STREET EXTENDED AND NORTHWESTERLY OF THE NORTHWESTERLY LINE OF EAST EIGHTH STREET EXTENDED

# Proposed RP Rezone Map

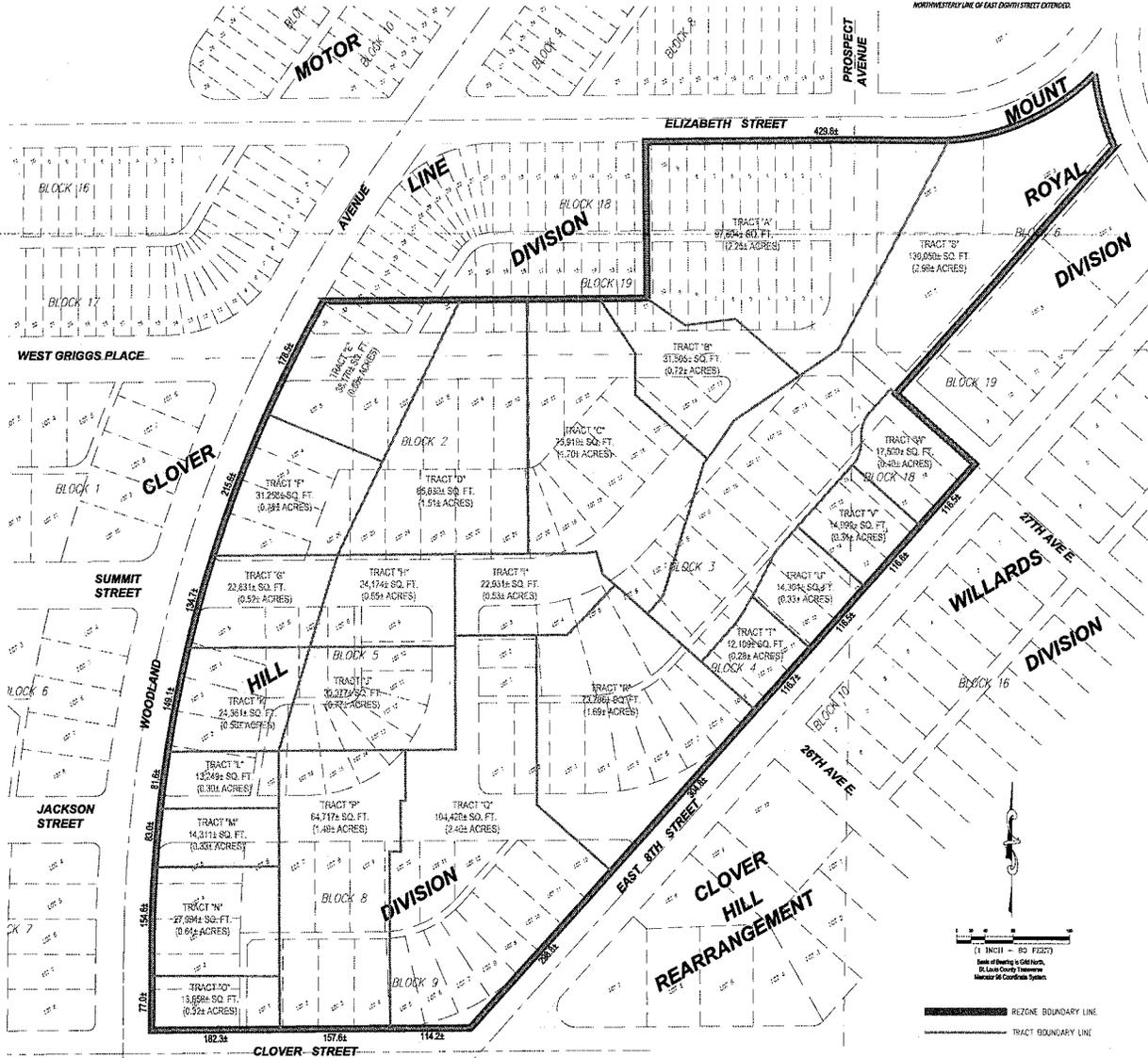
Prepared For: VILLAGE CENTER DEVELOPMENT, LLC & BLUESTONE COMMONS, LLC

part of  
**MOTOR LINE DIVISION, MOUNT ROYAL DIVISION, CLOVER HILL DIVISION AND WILLARD'S DIVISION**  
 Section 14, T50N, R14W of the 4th P.M.  
 City of Duluth, St. Louis County, Minnesota



### DESCRIPTION:

- LOT 1, BLOCK 4, MOUNT ROYAL DIVISION OF DULUTH AND LOT 6, BLOCK 10, WILLARD'S ADDITION TO DULUTH
- LOT 2, 3 & 4, WESTERN HALF OF LOT 13, BLOCK 16, WILLARD'S ADDITION TO DULUTH
- LOTS 2 & 3, BLOCK 6, MOUNT ROYAL DIVISION OF DULUTH
- LOTS 6, 7 & 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 & 26, BLOCK 2 AND LOTS 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 & 26, BLOCK 2, CLOVER HILL DIVISION OF DULUTH
- LOTS 4, 5, 6, 7 & 8, BLOCK 8, CLOVER HILL DIVISION OF DULUTH
- LOTS 1, 14, 15, 16 & EASTERN HALF OF LOT 13, BLOCK 18, WILLARD'S ADDITION TO DULUTH AND LOTS 11, 16 & EASTERN HALF OF LOT 14, BLOCK 4, CLOVER HILL DIVISION OF DULUTH
- LOTS 11 & 12, BLOCK 8, CLOVER HILL DIVISION OF DULUTH
- LOT 2, BLOCK 9, CLOVER HILL DIVISION OF DULUTH
- ALL OF BLOCK 5, CLOVER HILL DIVISION OF DULUTH
- ALL OF BLOCK 4, CLOVER HILL DIVISION OF DULUTH
- LOTS 1 THRU 3, BLOCK 4, CLOVER HILL DIVISION OF DULUTH
- LOT 5, BLOCK 2, CLOVER HILL DIVISION OF DULUTH
- LOTS 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 & WEST HALF OF 14, BLOCK 4, CLOVER HILL DIVISION OF DULUTH AND LOTS 12 & WEST HALF OF 13, BLOCK 18, WILLARD'S ADDITION TO DULUTH
- LOT 6, BLOCK 4, CLOVER HILL DIVISION OF DULUTH
- LOTS 1 & 2, BLOCK 3, CLOVER HILL DIVISION OF DULUTH
- LOT 10, BLOCK 3, CLOVER HILL DIVISION OF DULUTH
- LOTS 1, 2, 3 & 4, BLOCK 2, CLOVER HILL DIVISION OF DULUTH
- VACATION OF JACKSON STREET, SUMMIT PLACE AND ALLEYS IN CLOVER HILL DIVISION OF DULUTH
- BLOCKS 18 AND 19 MOTOR LINE DIVISION OF DULUTH, EXCEPT THAT TRACT DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 13, BLOCK 18 OF SAID MOTOR LINE DIVISION OF DULUTH; THENCE NORTH 89° 02' 00" WEST ALONG THE NORTHERN LINE OF SAID BLOCK 18 A DISTANCE OF 842 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89° 02' 00" WEST, ALONG A LINE PARALLEL WITH THE EAST LINE OF SAID LOT 13 AND ITS SOUTHWESTLY EXTENSION A DISTANCE OF 133.64 FEET TO THE CENTERLINE OF THE ALLEY LYING BETWEEN SAID BLOCKS 18 AND 19; THENCE SOUTH 89° 02' 00" WEST, ALONG A LINE PARALLEL WITH THE EAST LINE OF SAID LOT 13, BLOCK 18 AND ITS NORTHERLY EXTENSION A DISTANCE OF 80.20 FEET, THENCE NORTH 89° 02' 00" WEST, ALONG A LINE PARALLEL WITH THE NORTHERN LINE OF SAID BLOCK 18 A DISTANCE OF 44.84 FEET TO THE NORTHWESTLY LINE OF SAID BLOCK 18; THENCE NORTHWESTLY AND EASTLY, ALONG SAID NORTHWESTLY AND NORTHERLY LINES OF SAID BLOCK 18 A DISTANCE OF 55.55 FEET TO THE POINT OF BEGINNING.
- ALL THAT PART OF SUMMIT STREET (S.A. & MOUNTAIN STREET), CLOVER HILL DIVISION OF DULUTH LYING EASTERLY OF THE EASTERN LINE OF WOODLAND AVENUE.
- ALL THAT PART OF EAST GRIGGS PLACE (S.A. & CLOTHING STREET), CLOVER HILL DIVISION OF DULUTH AND ALL THAT PART OF EAST GRIGGS PLACE (S.A. & CLOTHING STREET), MOTOR LINE DIVISION OF DULUTH LYING EASTERLY OF THE EASTERN LINE OF WOODLAND AVENUE; CLOVER HILL AND MOTOR LINE DIVISIONS OF DULUTH.
- ALL THOSE PARTS OF PROSPECT AVENUE, MOTOR LINE DIVISION TO DULUTH AND PROSPECT AVENUE, MOUNT ROYAL DIVISION OF DULUTH LYING SOUTHWESTLY OF THE SOUTHWESTLY LINE OF ELIZABETH STREET, MOTOR LINE AND MOUNT ROYAL DIVISIONS OF DULUTH.
- 27TH AVENUE EAST, WILLARD'S DIVISION TO DULUTH LYING NORTHWESTERLY OF THE NORTHWESTLY LINE OF EAST 7TH STREET, WILLARD'S DIVISION TO DULUTH.
- ALL THAT PART OF THE ALLEY BETWEEN BLOCKS 6 AND 4, CLOVER HILL DIVISION OF DULUTH FROM THE NORTHERN LINE OF CLOVER STREET TO A LINE SOUTHWESTLY OF THE EASTERN PROPERTY LINE OF LOT 2, BLOCK 8, CLOVER HILL DIVISION OF DULUTH.
- ALL THOSE LANDS ENCUMBERED BY BUILDING LINES AFFECTING BLOCK TWO (2), FIVE (5) AND EIGHT (8), CLOVER HILL DIVISION OF DULUTH.
- THE NORTHWESTLY ONE-HALF OF THE ALLEY IN BLOCK 18, WILLARD'S DIVISION TO DULUTH.
- THE NORTHWESTLY ONE-HALF OF THE ALLEY IN BLOCK 6, MOUNT ROYAL DIVISION TO DULUTH.
- ALL THOSE PARTS OF CLOVER STREET AND EAST DORTH STREET, CLOVER HILL DIVISION OF DULUTH ADJACENT TO THOSE PARTS OF LOTS 4 THRU 9, BLOCK 9, SAID CLOVER HILL DIVISION OF DULUTH LYING NORTHWESTLY OF THE NORTHWESTLY LINE OF CLOVER STREET (EXTENDED) AND NORTHWESTERLY OF THE NORTHWESTERLY LINE OF EAST DORTH STREET (EXTENDED).



MINIMUM DIMENSIONAL STANDARDS											
TRACT	STRUCTURE HEIGHT										
TRACT 1A	25 FEET										
TRACT 1B	25 FEET										
TRACT 1C	25 FEET										
TRACT 1D	25 FEET										
TRACT 1E	25 FEET										
TRACT 1F	25 FEET										
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TRACT 1Q	25 FEET										
TRACT 1R	25 FEET										
TRACT 1S	25 FEET										
TRACT 1T	25 FEET										

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Plan Name: *Duluth RP Rezone* License # *4670*  
 Signature: *[Signature]* Date: *3/20/22*

REVISIONS: 01 DULUTH MINNEAPOLIS  
 DATE PREPARED: 3/14/22  
 FILE NO: 1928  
 SHEET 14 OF 18

COMPILED BY: B.L. INC. ALL RIGHTS RESERVED.



**CITY OF DULUTH**  
Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197  
Phone: 218/730.5580 Fax: 218/723-3559

**STAFF REPORT**

<b>File Number</b>	PL 12-012	<b>Contact</b>	Steven Robertson, 218-730-5295	
<b>Application Type</b>	Rezone: from R-1 and R-2 to R-P	<b>Planning Commission Date</b>	March 27, 2012	
<b>Deadline for Action</b>	<b>Application Date</b>	January 31, 2012	<b>60 Days</b>	March 31, 2012
	<b>Date Extension Letter Mailed</b>	February 14, 2012	<b>120 Days</b>	May 30, 2012
<b>Location of Subject</b>	Site of Woodland School			
<b>Applicant</b>	Village Center Development, LLC	<b>Contact</b>		
<b>Agent</b>	Mark Lambert	<b>Contact</b>	mlambert@summitre.net	
<b>Legal Description</b>	See attached description			
<b>Site Visit Date</b>	March 4, 2012	<b>Sign Notice Date</b>	March 12, 2012	
<b>Neighbor Letter Date</b>	March 2, 2012	<b>Number of Letters Sent</b>	80	

**Proposal**

Applicant requests that "as part of the planning for the development of the Woodland Middle School Property....requesting review and approval of the rezoning of the property".

The applicant's proposal is to ultimately develop the site with a mixture of primarily commercial and residential uses, while maintaining the Woodland Middle School.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1, R-2	School	Neighborhood Mixed Use, Preservation
<b>North</b>	R-2	Clinic, Apartments	Urban Residential
<b>South</b>	R-1	Residential	Traditional Neighborhood
<b>East</b>	R-1	Residential	Traditional Neighborhood
<b>West</b>	R-2	College, Residential	Institutional, Neighborhood Mixed Use

**Summary of Code Requirements (reference section with a brief description):**

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.

UDC Sec. 50-14.7.A: The R-P district is established to provide a flexible development option for residential projects that integrate creative site design, provide a variety of housing types, provide unique on-site amenities, conserve natural features, increase pedestrian connectivity, or otherwise result in a final product that provides a greater level of public benefit than would be required under the existing zone district. Each R-P district requires approval of an R-P regulating plan that includes the location, type, intensity of proposed development and a description of public amenities or benefits included. Different R-P standards are required for projects in identified high-density and low-density residential areas. Single-family residences, two-family residences, townhouses, group living and apartments, as well as accessory uses, are permitted, as shown in Table 50-19.8, provided projects are compatible in scale and character with the surrounding neighborhood and are included in the approved district plan.

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

- 1) Governing Principles: Principle #1 - Reuse previously developed land; Principle #6 - Reinforce the place-specific; Principle #4 - Support emerging economic growth sectors, and Principle #8 - Encourage mix of activities, uses and densities
- 2) The Comp Plan defines "Low-Density Neighborhood" as single-family housing with urban services (3-4 units/acre), including a range of house sizes and lot sizes, non-residential uses are mainly schools and churches, conservation development an option. Neighborhood Mixed Use land use category is described as a transitional use between more intensive commercial uses and purely residential neighborhoods. "Urban Residential" is defined as the greatest variety of building types, medium to high densities. Applicable to larger infill areas close to downtown, entertainment or activity centers, and waterfront residential areas. May include student housing areas, live/work units, and limited neighborhood retail. Connected or adjacent to parks and open space.
- 3) Current History: This site contains Woodland Middle School, which will be closing under the school district's long range facilities plan. Village Center Development has purchased the undeveloped portion of the site and plans to start construction in 2012; Village Center Development will acquire the remainder of the site after the school has closed.

**Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):**

- 1) The Minnesota Municipal Planning Act (State Statute Chapter 462) 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.
- 2) The Comprehensive Plan supports reuse of previously developed lands, including adaptive reuse of existing building stock and historic resources, directs new investment to sites which have the potential to perform at a higher level than their current state. Site preparation or building modification costs are offset by savings in existing public infrastructure such as streets, utilities, and transit, fire and police services.
- 3) The R-P district is established to provide a flexible development option for residential projects that integrate creative site design, provide a variety of housing types, provide unique on-site amenities, conserve natural features, increase pedestrian connectivity, or otherwise result in a final product that provides a greater level of public benefit than would be required under the existing zone district. Each R-P district requires approval of an R-P regulating plan that includes the location, type, intensity of proposed development and a description of public amenities or benefits included. Different R-P standards are required for projects in identified high-density and low-density residential areas. Rezoning to R-P will allow a mix of uses that are reasonably related to the existing land uses in the area.
- 4) The R-P zone requires the applicant to produce detailed plans for the site called an R-P Plan that results in a development that provides a greater level of public benefit than would be required under the existing R-1 zone district. The R-P Plan is approved, administratively, by the Land Use Supervisor. Included with this staff report is a copy of the March 2012 "Conceptual Design Vision"; it is not a final document and should be used for general reference only.
- 5) No comments specific to the rezoning have been received, although it should be noted that there is a lot of interest in the specific details on the layout and uses of the R-P Plan itself.

**Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):**

- Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning from Residential-Traditional (R-1) and Urban-Residential (R-2) to Residential-Planned (R-P), for the following reasons:
- 1) Rezoning this site to R-P is consistent with the Comprehensive Land Use Plan because the Comp Plan designates the site primarily "Neighborhood Mixed Use" which is intended to be transitional use between more intensive commercial uses and purely residential neighborhoods,
  - 2) Rezoning to R-P will allow a mix of uses that are reasonably related to the existing land uses in the area, and
  - 3) Rezoning will provide housing options that are needed by the public and will result in a final product that provides a greater level of public benefit than would be required under the existing R-1 or R-2 zone district.

**Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)**