

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

12-040

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 RESIDENTIAL-TRADITIONAL (R-1), TO RESIDENTIAL-URBAN (R-2) AND MIXED-USE NEIGHBORHOOD (MU-N) AT THE PROPERTIES LOCATED BETWEEN ST. MARIE STREET, WOODLAND AVENUE, AND THE UMD CAMPUS (CITY OF DULUTH)

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That the 19.9 acres of the subject property located generally between St. Marie Street, Woodland Avenue, and the UMD campus, and as more particularly described as follows:

Rezone from R-1 to R-2:

That part of Motor Line Division, according to the recorded plat thereof at St. Louis County Recorder's Office, Minnesota, described as follows:

Beginning at the north Quarter Corner of Section 14, Township 50 North, Range 14 West, being on the center line of St. Marie Street as platted in said Motor Line Division;

Thence south along the west line of said Motor Line Division to the center line of the alley between Block 14 and 15 of said Motor Line Division;

Thence east and northeasterly along said alley center line to the northwesterly extension of the southwest line of Lot 9 of said Block 15;

Thence southeasterly along said southwest line of Lot 9 and its extension to the center line of Elizabeth Street;

Thence east along said center line of Elizabeth Street to the southwesterly extension of the center line of the alley between Blocks 10 and 11, Motor Line Division;

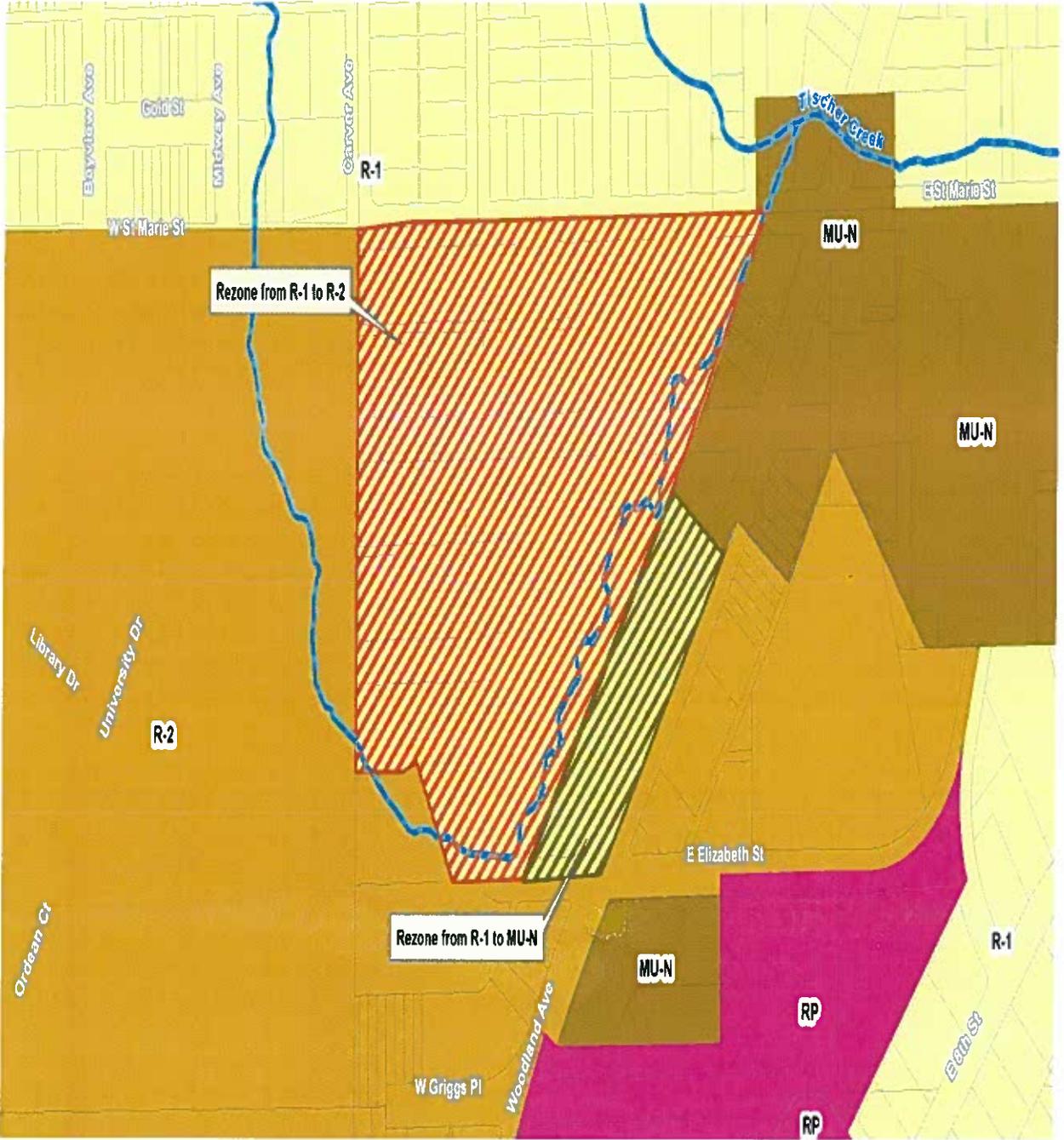
Thence northeasterly along center line of said alley between Blocks 10 and 11 and its extension and continuing northeasterly along the center

line of the alley between Blocks 5 and 6 and its extension, Motor Line Division, to the center line of said St. Marie Street;  
Thence west along the said center line of St. Marie Street to the point of beginning.

Rezone from R-1 to MU-N

That part of Motor Line Division, according to the recorded plat thereof at St. Louis County Recorder's Office, Minnesota, described as follows:  
Beginning at the intersection of the center line of Elizabeth Street and the southwesterly extension of the center line of the alley between Blocks 10 and 11, Motor Line Division;  
Thence northeasterly along center line of said alley between Blocks 10 and 11 and its extension, to the northwesterly extension of the northeast line of Lot 5 of said Block 10;  
Thence southeast along said northeast line of Lot 5 and its extension to the center line of Woodland Avenue;  
Thence southwest along said center line of Woodland Avenue to the intersection of the center line of Elizabeth Street;  
Thence west along the center line of Elizabeth Street to the point of beginning.

Be reclassified from Residential-Traditional (R-1), to Residential-Urban (R-2) and Mixed Use-Neighborhood (MU-N), as noted above, 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. 12-084)

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

STATEMENT OF PURPOSE: This zoning map amendment provides a zoning change from Residential-Traditional (R-1), to Residential-Urban (R-2) and Mixed Use-Neighborhood (MU-N) for the property located generally between St. Marie Street, Woodland Avenue, and the UMD campus.

On June 12, 2012, the Duluth City Planning Commission held a public hearing on the proposal and voted 9 yeas, 0 nays, and 0 abstentions, to recommend that the city council approve the rezoning requested for the following reasons:

- 1) It is consistent with the Comprehensive Plan
- 2) It is consistent with the Higher Education Small Area Plan
- 3) Rezoning to R-2 and MU-N will allow a mix of uses that are reasonably related to the existing land uses in the area and will result in a final product that provides a greater level of public benefit than would be required under the existing R-1 zone district.
- 4) Material adverse impacts on nearby properties are not anticipated.

The motion to approve a rezoning from R-1 to R-2 and MU-N by the city council must prevail with a vote of 2/3 of the Council since the City did not receive written consent of 2/3 of the property owners within 100 feet of the property to be rezoned to MU-N.

Date of application: N/A

Action deadline: N/A

Petitioner:  
City of Duluth

PL 12-084



**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 12-084	<b>Contact</b>	Jenn Reed Moses, jmoses@duluthmn.gov	
<b>Application Type</b>	UDC Map Amendment	<b>Planning Commission Date</b>	June 12, 2012	
<b>Deadline for Action</b>	<b>Application Date</b>	May 8, 2012	<b>60 Days</b>	N/A
	<b>Date Extension Letter Mailed</b>	N/A	<b>120 Days</b>	N/A
<b>Location of Subject</b>	The area between St. Marie Street, Woodland Avenue, and the UMD Campus			
<b>Applicant</b>	City of Duluth	<b>Contact</b>	Jenn Reed Moses, jmoses@duluthmn.gov	
<b>Agent</b>	Planning Division	<b>Contact</b>	Jenn Reed Moses, jmoses@duluthmn.gov	
<b>Legal Description</b>	See attached			
<b>Site Visit Date</b>	April 3, 2012	<b>Sign Notice Date</b>	May 29, 2012	
<b>Neighbor Letter Date</b>	April 12, 2012	<b>Number of Letters Sent</b>	96	

**Proposal**

To rezone the areas currently zoned Residential-Traditional (R-1) between St. Marie Street, Woodland Avenue, and the UMD campus to Residential-Urban (R-2) and Mixed Use-Neighborhood (MU-N). The R-2 district provides for concentrated residential development. The MU-N district provides for a mix of residential development and small-scale, neighborhood-serving commercial development.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Residential	Urban Residential, N'hood Commercial, Preserv.
<b>North</b>	R-1	Residential	Traditional Neighborhood, Preservation
<b>South</b>	R-2	UMD campus	Institutional, Preservation
<b>East</b>	R-2, MU-N	Multi-family, commercial	Urban Residential, N'hood Commercial, Preserv.
<b>West</b>	R-2	UMD campus	Institutional, Preservation

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

Section 50-37.3 UDC Text or Zoning Map Amendments

A. Application 1. The planning commission may, upon its own motion, propose and hear amendments to the text of the UDC or the boundaries of the official zoning map.

B. Procedure 1. Planning Commission Review - The planning commission shall review the application, conduct a public hearing pursuant to Section 50-37.1.I, with public notice as required by Section 50-37.1.H, and make a written recommendation to council based on the criteria in subsection C below. 3. When Written Consent or Supermajority Required: the affirmative vote of 2/3 of the council shall be required if: (ii) The planning commission has completed a study of an area containing at least 40 acres of land surrounding the applicant's property and the proposed rezoning is a result of that study, and a finding is made that it would be impractical to obtain the required written consent.

C. Criteria - 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.

III A.1

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

**Comprehensive Plan:**

Principle #1 - Reuse previously developed lands. Reuse of previously developed lands directs new investment to sites which have the potential to perform at a higher level than their current state. Redevelopment prevents alteration of natural landscapes and makes use of existing public infrastructure.

Principle #4 - Support emerging economic growth sectors, which includes "higher education."

Principle #11 - Include consideration for education systems in land use actions, which includes housing opportunities for higher education students.

**Higher Education Small Area Plan:**

Goal #3 - Promote mixed-use development and student housing along transit corridors and within walking distance of campus.

Goal #4 - Increase use of alternate modes of transportation.

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

Staff finds that:

- 1) 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.
- 2) The Comprehensive Plan - Future Land Use Map identifies the area proposed for rezoning as Urban Residential and Neighborhood Commercial. Urban Residential is applicable to larger infill areas close to downtown and entertainment or activity centers. May include student housing areas, live/work units, and limited neighborhood retail. Neighborhood Commercial allows small- to moderate scale commercial, serving primarily the adjacent neighborhoods.
- 3) The zone districts most appropriate for these future land use designations are Residential - Urban (R-2) and Mixed Use - Neighborhood (MU-N).
- 4) The Comprehensive Plan - Future Land Use Map identifies the area along Tischer Creek as Preservation, because it is a shoreland. As all shorelands are regulated by the Natural Resources - Overlay District, base zone districts of R-2 and MU-N are appropriate.
- 5) The Higher Education Small Area Plan, which augments the Comprehensive Plan, identified this area as having the potential for mixed-use, student-oriented development.
- 6) Infrastructure, including sewer and water, has capacity to support additional development.
- 7) The Planning Division held two public meetings regarding this proposal: on May 7 (35 attendees) and May 22 (4 attendees). Questions were asked about uses, property values, infrastructure, and other zoning projects around the City. No individual comments were received from the public. There were no comments from public agencies or City staff.

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

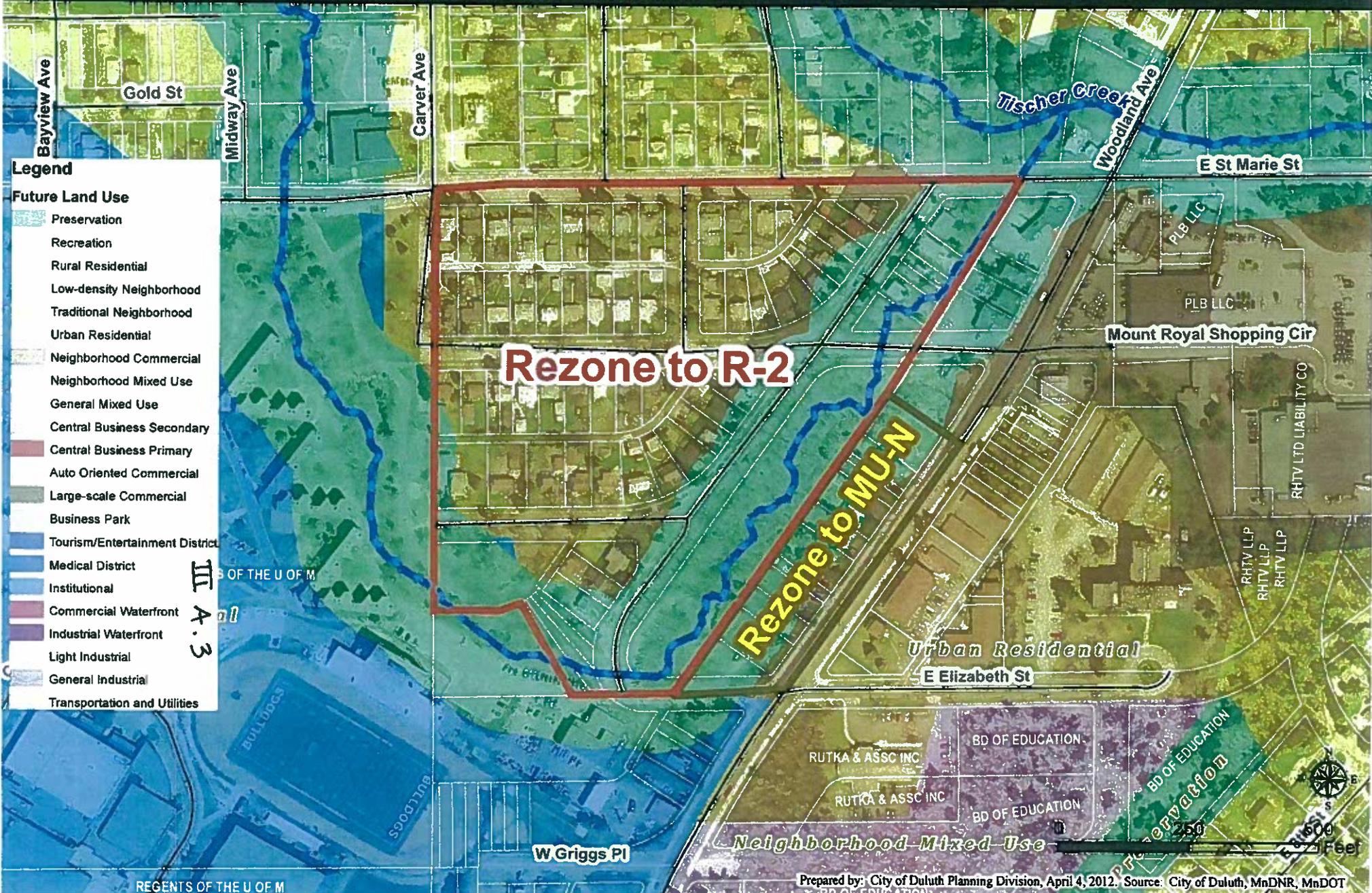
Based on the above findings, staff recommends that Planning Commission recommend approval of the Zoning Map Amendment to City Council of the area between St. Marie Street, Woodland Avenue, and the UMD campus from Residential-Traditional (R-1) to Residential-Urban (R-2) and Mixed Use-Neighborhood (MU-N) for the following reasons:

- 1) It is consistent with the Comprehensive Plan
- 2) It is consistent with the Higher Education Small Area Plan
- 3) Rezoning to R-2 and MU-N will allow a mix of uses that are reasonably related to the existing land uses in the area and will result in a final product that provides a greater level of public benefit than would be required under the existing R-1 zone district.
- 4) Material adverse impacts on nearby properties are not anticipated.

III A.2

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

# St. Marie Triangle Rezoning



## **R-2 District**

### **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
- School, elementary
- Nursing home
- Agriculture, urban
- Veterinarian or animal hospital
- Bed and breakfast
- Preschool
- Day care facility, small (14 or fewer)

### **Special Uses**

- Co-housing facility
- Rooming house
- Cemetery or mausoleum
- Club or lodge (private)
- Museum, library, or art gallery
- School, middle or high
- Medical or dental clinic
- Restaurant (no drive-in/drive through)
- Office
- Day care facility, large (15 or more)
- Funeral Home or crematorium
- Retail store not listed, small
- Filling station
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Water or sewer pumping stations/reservoirs

## **MU-N District**

### **Permitted Uses**

- Dwelling, one family
- Dwelling, two-family
- Dwelling, townhouse
- Dwelling, multi-family
- Dwelling, live-work
- Co-housing facility
- Residential care facility/assisted living (6 or fewer)
- Residential care facility/assisted living (7 or more)
- Rooming house
- Bus or rail transit station
- Club or lodge (private)
- Government building or public safety facility
- Museum, library, or art gallery
- Park, playground, or forest reserve
- Religious assembly
- Business, art, or vocational school
- School, elementary
- Medical or dental clinic
- Nursing home
- Veterinary or animal hospital
- Restaurant (no drive-in/drive through)
- Theater
- Hotel or motel
- Bed and breakfast
- Office
- Preschool
- Day care facility, small (14 or fewer)
- Day care facility, large (15 or more)
- Personal service and repair, small
- Grocery store, small
- Retail store not listed, small
- Filling station

### **Special Uses**

- Cemetery or mausoleum
- School, middle or high
- Bank
- Data Center
- Funeral Home or Crematorium
- Personal service and repair, large
- Automobile and light vehicle repair and service
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Water or sewer pumping stations/reservoirs

**PROPOSED LEGAL DESCRIPTION**  
**Part of St. Marie Triangle to be re-zoned to R-2**

That part of Motor Line Division, according to the recorded plat thereof at St. Louis County Recorder's Office, Minnesota, described as follows:

Beginning at the north Quarter Corner of Section 14, Township 50 North, Range 14 West, being on the center line of St. Marie Street as platted in said Motor Line Division;  
Thence south along the west line of said Motor Line Division to the center line of the alley between Block 14 and 15 of said Motor Line Division;  
Thence east and northeasterly along said alley center line to the northwesterly extension of the southwest line of Lot 9 of said Block 15;  
Thence southeasterly along said southwest line of Lot 9 and its extension to the center line of Elizabeth Street;  
Thence east along said center line of Elizabeth Street to the southwesterly extension of the center line of the alley between Blocks 10 and 11, Motor Line Division;  
Thence northeasterly along center line of said alley between Blocks 10 and 11 and its extension and continuing northeasterly along the center line of the alley between Blocks 5 and 6 and its extension, Motor Line Division, to the center line of said St. Marie Street;  
Thence west along the said center line of St. Marie Street to the point of beginning.

**PROPOSED LEGAL DESCRIPTION**  
**Part of St. Marie Triangle to be re-zoned to MU-U**

That part of Motor Line Division, according to the recorded plat thereof at St. Louis County Recorder's Office, Minnesota, described as follows:

Beginning at the intersection of the center line of Elizabeth Street and the southwesterly extension of the center line of the alley between Blocks 10 and 11, Motor Line Division;  
Thence northeasterly along center line of said alley between Blocks 10 and 11 and its extension, to the northwesterly extension of the northeast line of Lot 5 of said Block 10;  
Thence southeast along said northeast line of Lot 5 and its extension to the center line of Woodland Avenue;  
Thence southwest along said center line of Woodland Avenue to the intersection of the center line of Elizabeth Street;  
Thence west along the center line of Elizabeth Street to the point of beginning.