

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

12-053-0

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

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM R-1, TO RR-2, R-2, AND MU-N, PROPERTIES LOCATED IN THE KENWOOD NEIGHBORHOOD.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That the 143 acres of the subject property located south of McFarlane Road, between Howard Gnesen Road and Blackman Avenue, and as more particularly described in Exhibit A and by the following:

The below parcels, extending to the centerline of McFarlane Road, Howard Gnesen Road, and Blackman Avenue, where these parcels abut roadways:

010-2710-02715	010-1500-00310	010-1500-00520
010-2710-02720	010-1500-00320	010-1500-00510
010-2710-02725	010-1500-00340	010-1500-00500
010-2710-02726	010-1500-00380	010-1500-00490
010-2710-02727	010-1500-00390	010-1500-00480
010-2710-02730	010-1500-00420	010-3500-00200
010-2710-02740	010-1500-00440	010-3500-00230
010-2710-02750	010-1500-00630	010-3500-00235
010-2710-02755	010-1500-00620	010-3500-00190
010-2710-02756	010-1500-00610	010-3500-00202
010-2710-02760	010-1500-00580	010-3500-00240
010-2710-02770	010-1500-00570	010-3500-00245
010-2710-02780	010-1500-00560	010-3500-00250
010-2710-02786	010-1500-00550	010-1500-00640
010-2710-02790	010-1500-00540	
010-2710-02800	010-1500-00530	

be reclassified from R-1 to RR-2, 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:

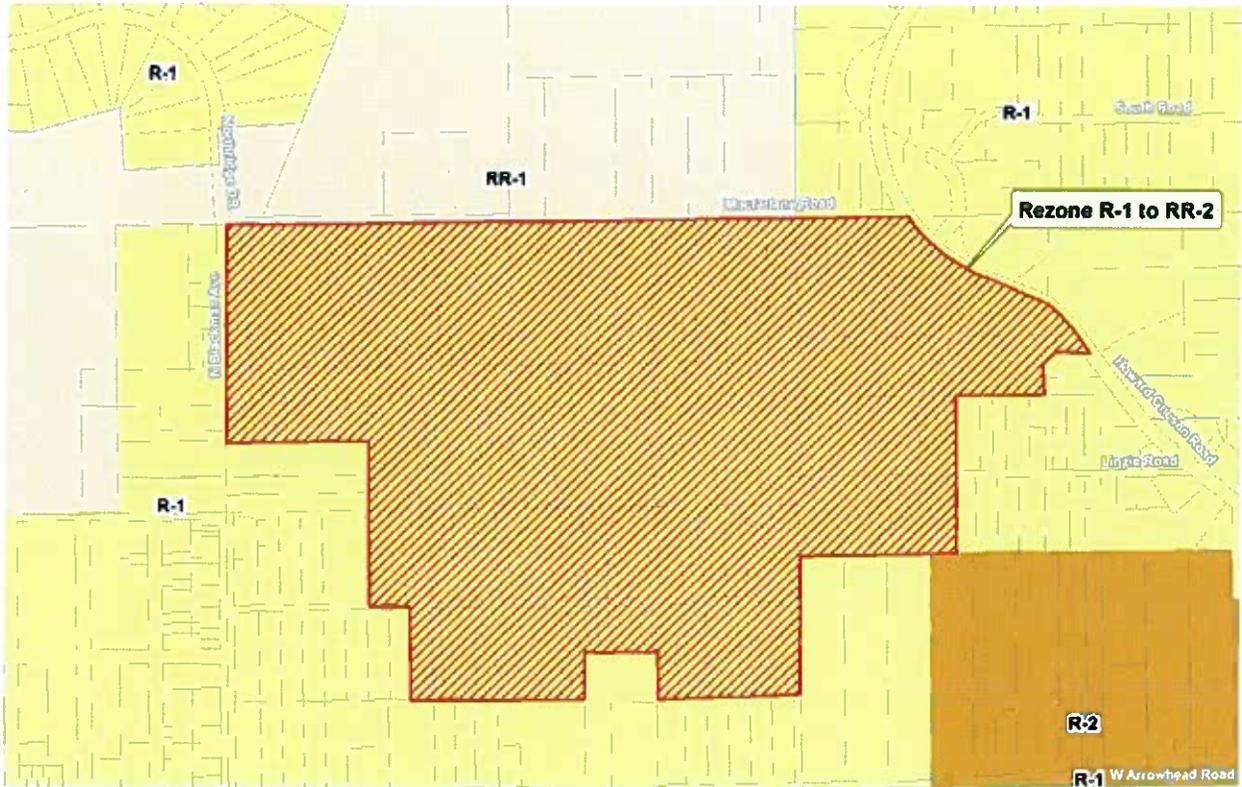


Exhibit A

(Ref. File No. 12-108)

Section 2. That the 1.28 acres of the subject property located at 1320 Kenwood Avenue and as more particularly described in Exhibit B and by the following:

Parcel 010-2640-00110, extended north to the centerline of East Buffalo Street, west to the centerline of Kenwood Avenue, and south to the centerline of East Toledo Street be reclassified from R-1 to MU-N, 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:

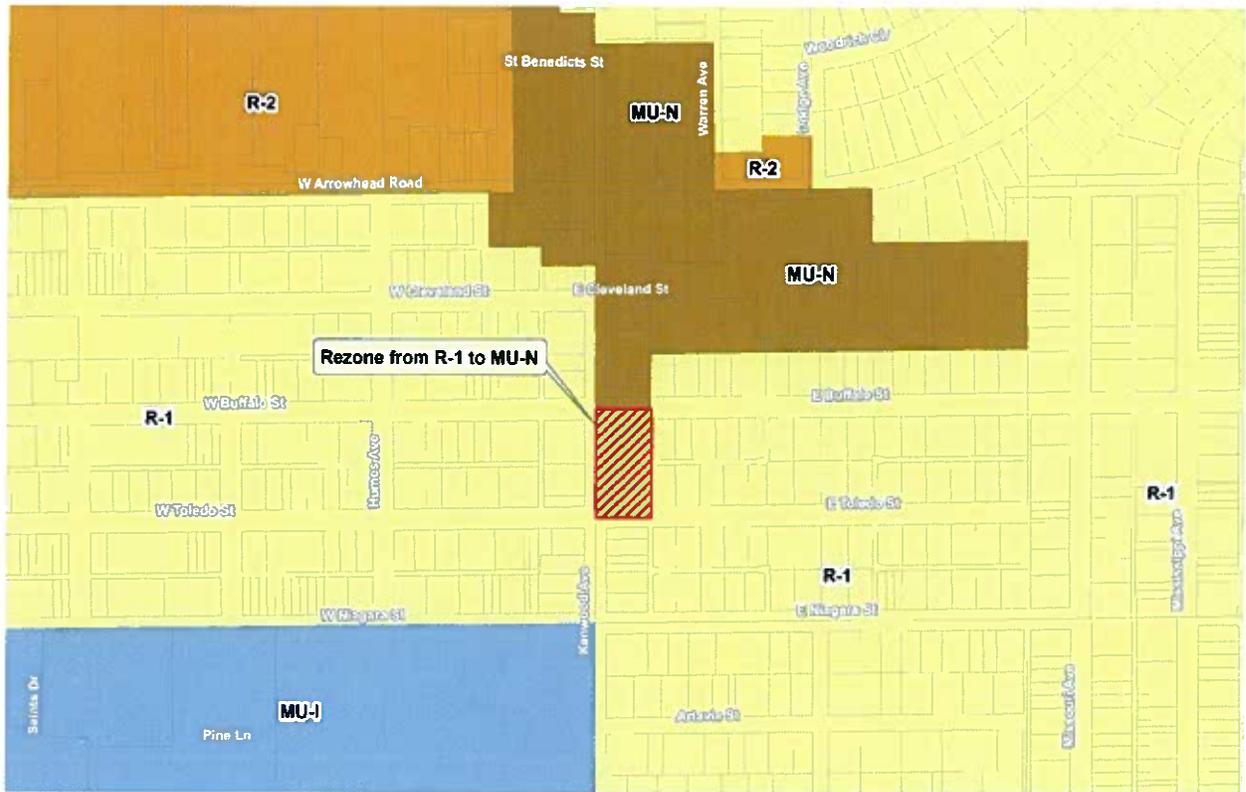


Exhibit B

(Ref. File No. 12-108)

Section 3. That the 5.35 acres of the subject property located north of St. Marie Street, south of Worth Street, between Oakland Circle and Midway Avenue, and as more particularly described in Exhibit C and by the following:

The below parcels, extending to the centerline of St. Marie Street, Worth Street, Oakland Circle, and Midway Avenue, where these parcels abut roadways:

010-3570-03070	010-3570-03170	010-3570-03380
010-3570-03060	010-3570-03120	010-3570-03340
010-3570-03040	010-3570-03110	010-3570-03550
010-3570-03020	010-3570-03100	010-3570-03540
010-3570-03010	010-3570-03080	010-3570-03530
010-3570-03000	010-3570-03450	010-3570-03520
010-3570-02980	010-3570-03440	010-3570-03510
010-3570-02960	010-3570-03430	010-3570-03490
010-3570-03190	010-3570-03410	010-3570-03470
010-3570-03180	010-3570-03390	010-3570-03460

010-3570-03500

be reclassified from R-1, to R-2, 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:

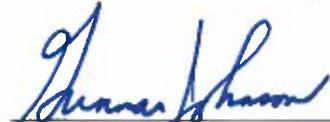


Exhibit C

(Ref. File No. 12-108)

Section 4. That this ordinance shall take effect and be in force 30 days from and after its passage and publication.

Approved as to form:

  
\_\_\_\_\_  
Attorney

PLANNING JRM 08/15/2012

STATEMENT OF PURPOSE: This zoning map amendment provides a zoning change from R-1 to RR-2, R-2, and MU-N, for properties located in the Kenwood neighborhood.

On August 14, 2012, the Duluth City Planning Commission held a public hearing on the proposal and voted 6 yeas, 1 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 Land Use Plan
- 2) It is consistent with the Higher Education Small Area Plan
- 3) Rezoning will allow 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 the rezoning from R-1 to RR-2, R-2, and MU-N by the city council must prevail with a simple majority.

Date of application: N/A

Action deadline: N/A

Petitioner:  
City of Duluth  
411 W 1<sup>st</sup> St.  
Duluth, MN 55802

PL 12-108



**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 12-108	<b>Contact</b>	Jenn Reed Moses, jmoses@duluthmn.gov
<b>Application Type</b>	UDC Map Amendment	<b>Planning Commission Date</b>	August 14, 2012
<b>Deadline for Action</b>	<b>Application Date</b>	N/A	<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>	Three areas in the Kenwood Neighborhood		
<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>	July 16, 2012	<b>Sign Notice Date</b>	July 31, 2012
<b>Neighbor Letter Date</b>	June 29, 2012	<b>Number of Letters Sent</b>	168

**Proposal**

To rezone three areas as follows:  
 A. An area lying north of Arrowhead Road between Blackman Avenue and Howard Gnesen Road, from R-1 to RR-2.  
 B. Northeast of the intersection of Kenwood Avenue and Toledo Street (1320 Kenwood Avenue), from R-1 to MU-N.  
 C. North of St. Marie Street and east of Oakland Circle, from R-1 to R-2.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Various	See attached maps
<b>North</b>	See attached maps	Various	See attached maps
<b>South</b>	See attached maps	Various	See attached maps
<b>East</b>	See attached maps	Various	See attached maps
<b>West</b>	See attached maps	Various	See attached maps

**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.

J.P.C. 1

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

Future Land Use - Preservation: Lands with substantial restrictions. High natural resource or scenic value, or severe development limitations.

Future Land Use - Rural Residential: Areas of single-family lots of at least five acres. Includes existing rural density areas with lots as small as an acre now served by municipal utilities but not planned for further subdivision.

Future Land Use - Low-Density Residential: Single-family housing with urban services. Typified by curvilinear streets, houses with longer side parallel to street, and attached garages.

Future Land Use - Urban Residential: 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.

Future Land Use - Neighborhood Mixed Use: A transitional use between more intensive commercial uses and purely residential neighborhoods. May include limited commercial-only space oriented to neighborhood or specialty retail markets.

**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 Area A as Rural Residential, Preservation, and Low-density Neighborhood. Based on an analysis of existing lot sizes and uses, as well as public input, it was determined that the Residential-Rural 2 (RR-2) zone district is appropriate for this area as it preserves the large-lot characteristics of the area and allows uses that are primarily residential in nature. The area within 300 feet of Chester Creek, shown as Preservation on the Future Land Use Map, is also covered by the shoreland regulations in the Natural Resources-Overlay (NR-O) district.
- 3) The Comprehensive Plan - Future Land Use Map identifies Area B as Neighborhood Mixed Use. The appropriate zone district for this land use designation is Mixed Use-Neighborhood (MU-N). This site contains an existing chiropractic clinic, which is allowed in MU-N but not in the current R-1 zone district.
- 4) The Comprehensive Plan - Future Land Use Map identifies Area C as Urban Residential. Use of this area for multi-family housing was also supported by the 2012 Higher Education Small Area Plan. The most appropriate zone district for this future land use is Residential-Urban (R-2).
- 5) The Planning Division held a public meeting on Tuesday, July 17 to discuss this proposal (17 attendees). Participants in general were concerned about the original proposal that included RR-1 in the western portion of Area A, as RR-1 allows a wider variety of uses. Based on this input, the proposal was changed to rezone to RR-2 in the entire portion of Area A. An additional opportunity for public comment will occur on Tuesday, August 14, at 4:00 p.m.
- 6) Five citizens called or visited City Hall with questions about the proposal. No other comments were received.

**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 these three areas, as illustrated in the attached map:

- A. An area lying north of Arrowhead Road between Blackman Avenue and Howard Gnesen Road, from R-1 to RR-2.
- B. Northeast of the intersection of Kenwood Avenue and Toledo Street (1320 Kenwood Avenue), from R-1 to MU-N.
- C. North of St. Marie Street and east of Oakland Circle, from R-1 to R-2.

Reasons supporting this recommendation are as follows:

- 1) It is consistent with the Comprehensive Land Use Plan
- 2) It is consistent with the Higher Education Small Area Plan
- 3) Rezoning will allow 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.

**Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)** III.C.2

# UDC Rezoning

## Higher Education Study Area - Upper Study Area Part "A"

