

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

12-060-0

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION, FROM MU-N TO F-1 AND F-2, OF PROPERTIES LOCATED ON THE NORTH SIDE OF EAST SUPERIOR STREET IN THE LAKESIDE AND LESTER PARK NEIGHBORHOODS.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That the 1.17 acres of the subject properties located on the northeast and northwest corners of North 45th Avenue East and East Superior Street and as more particularly described in Exhibit A and by the following:

010-3000-00050	010-3010-00820
010-3000-00060	010-3010-00840
010-3000-00070	010-3010-00860
010-3000-00090	010-3010-00870
010-3000-00100	010-3010-00890

be reclassified from Mixed Use-Neighborhood (MU-N), to Form District (F-1) Low-Rise Neighborhood Shopping, and that the official zoning map of the city of Duluth as referenced in Chapter 50 of the Duluth City Code, 1959, as amended, is amended to read as follows:



Exhibit A
(Ref. File No. 12-120)

Section 2. That the 13.08 acres of the subject properties located along the north side of East Superior Street and as more particularly described in Exhibit B and by the following:

010-2850-02080	010-2840-00060	010-3040-00100	010-3010-02890
010-2850-02090	010-2840-00070	010-3030-00040	010-3010-02920
010-2840-00900	010-2840-00080	010-3030-00100	010-3010-02930
010-2840-00920	010-2840-00090	010-3030-00120	010-3010-03015
010-2840-00940	010-2840-00150	010-3020-00010	010-3010-03016
010-2840-00950	010-2840-00160	010-3020-00030	010-3010-03025
010-2840-00960	010-2840-00330	010-3020-00040	010-3010-03000
010-2840-00980	010-2840-00340	010-3020-00050	010-3010-03500
010-2840-00990	010-3060-00030	010-3020-00060	010-3010-03510
010-2850-01960	010-3060-00080	010-3020-00070	010-3010-03560
010-2850-02000	010-3060-00120	010-3020-00080	010-3010-03590
010-2850-02010	010-3060-00180	010-3020-00090	010-3010-00750
010-2850-02110	010-3060-00140	010-3020-00100	010-3010-00760
010-2840-00010	010-3040-00080	010-3000-00030	
010-2840-00030	010-3040-00030	010-3000-00040	
010-2840-00050	010-3040-00090	010-3010-02880	

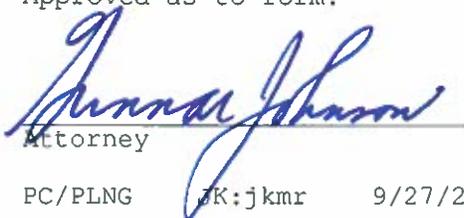
be reclassified from Mixed Use-Neighborhood (MU-N), to Form District (F-2) Low-Rise Neighborhood Mix, and that the official zoning map of the city of Duluth as referenced in Chapter 50 of the Duluth City Code, 1959, as amended, is amended to read as follows:



Exhibit B
(Ref. File No. 12-120)

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

PC/PLNG JK:jkmr 9/27/2012

STATEMENT OF PURPOSE: This zoning map amendment provides a zoning change from MU-N to F-1 and F-2 for properties located on the north side of East Superior Street in the Lakeside and Lester Park neighborhoods.

On September 11, 2012, the Duluth planning commission held a public hearing on the proposal and voted 8 yeas, 0 nays, and 0 abstentions, to recommend that the city council approve the rezoning requested for the following reasons:

- (1) This proposal is consistent with the comprehensive land use plan and the Unified Development Chapter and is good zoning practice;
- (2) Form-based building types and regulations for this district will allow a mix of uses that are reasonably related to the existing land uses in the area and will provide a greater level of public benefit than would be realized under the existing Mixed Use-Neighborhood zoning;
- (3) Material adverse impacts on nearby properties are not anticipated.

The motion to approve the rezoning from MU-N to F-1 and F-2 by the city council must prevail with a simple majority.

Date of application: N/A
Action deadline: N/A



CITY OF DULUTH
Planning Division

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

STAFF REPORT

File Number	PL 12-120	Contact	John Kelley, jkelley@duluthmn.gov
Application Type	UDC Map Amendment	Planning Commission Date	September 11, 2012
Deadline for Action	Application Date	N/A	60 Days N/A
	Date Extension Letter Mailed	N/A	120 Days N/A
Location of Subject	East Superior Street from 44th Avenue East to 60th Avenue East		
Applicant	City of Duluth	Contact	John Kelley, jkelley@duluthmn.gov
Agent	Planning Division	Contact	John Kelley, jkelley@duluthmn.gov
Legal Description	See Attached Site Map		
Site Visit Date	July 17, 2012	Sign Notice Date	August 28, 2012
Neighbor Letter Date	July 20, 2012	Number of Letters Sent	450

Proposal

To rezone portions of E. Superior Street from 44th Avenue East to 60th Avenue East from Mixed Use-Neighborhood (MU-N) to Form District 1 (F-1), Low-Rise Neighborhood Shopping and Form District 2 (F-2), Low-Rise Neighborhood Mix.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	Mixed Use-Neighborhood	Residential/Commercial	Nbrhd Mixd Use. Urban Res. Trdnl Nbrhd
North	Residential Traditional	Residential	Traditional Neighborhood, Urban Residential
South	Residential Traditional	Residential	Traditional Neighborhood, Urban Residential
East	Residential Traditional	Residential	Low Density Neighborhood
West	Residential Traditional	Residential	Traditional Neighborhood

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, 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 following provisions shall apply after the initial adoption of the zoning map reflecting the zone district consolidations reflected in this UDC. In addition, 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 reasonable 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.

IV. B. 1

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

Governing Principles:

Principle #1- Reuse previously developed lands, Principal #5 Strengthen neighborhoods, Principal #6 Reinforce the place-specific, Principal #8 Encourage mix of activities, uses and densities,

Urban Design (UD) Policies

UD#1. To ensure that different land uses "mix well," compatible building scale and sensitivity to neighborhood context is essential. The Comprehensive Land Use Plan calls for the City to develop form-based standards and design guidelines for some of the higher density, mixed-use areas of the City that:

- A. Allow a variety of land uses to coexist within buildings when the building is of appropriate size and character.
- B. Recognize and reflect unique or traditional neighborhood building patterns and street and block layouts.
- C. Provide adequate transitions to lower-density neighborhoods and districts.
- D. Keep sufficient separation between clearly incompatible uses, such as between intensive industrial or auto-oriented commercial and residential neighborhoods.

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

- 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) On July 17th, 2012 Planning Staff met with the Lakeside/Lester Park Business Association to discuss the proposed rezoning and received favorable comments.
- 3) A form-based code is a regulatory tool that places primary emphasis on the physical form of the built environment with the end goal of producing a specific type of "place."
- 4) In the Comprehensive Land Use Plan, Form-based standards for the City were targeted for specific districts and corridors where higher intensities, a diversity of uses, or a more pedestrian-oriented environment are desired.
- 5) During the development of the UDC, the City and it's project consultants surveyed, measured and analyzed the areas identified in the Comprehensive Plan for consideration as form-based districts. Input from citizens, stakeholders', city staff and consultants working on the UDC found that there was much support for small-scale commercial properties in and near neighborhoods including the 4th Street corridor.
- 6) Governing Principles: Principal #5 is to strengthen neighborhoods through appropriate zoning tools and neighborhood stabilization efforts. Principal #6 is to reinforce the place-specific with actions that reinforce cultural, physical and economic features to define neighborhoods and allow for a variety of commercial goods and services within walking distance for residents which also provides additional context to the neighborhood. Principle #8 is to encourage mix of activities, uses and densities. Neighborhood Mixed Use provides allows for a mix of land uses and building types as well as opportunity for a diversity of activities that the more segregated, uniform uses do not provide.
- 7) Comments from other neighbors, public agencies and City departments: None from public agencies or City departments. A public meeting was held on July 30th, 2012 (17 persons attended) and September 11, 2012, see attached comments.

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 the rezoning of portions of E. Superior Street from 44th Avenue East to 60th Avenue East from Mixed Use-Neighborhood (MU-N) to Form District 1 (F-1), Low-Rise Neighborhood Shopping and Form District 2 (F-2) , Low-Rise Neighborhood Mix as depicted in the attached site map, for the following reasons:

- 1) This proposal is consistent with the Comprehensive Land Use Plan and the Unified Development Chapter and is good zoning practice.
- 2) Form-based building types and regulations for this district will allow a mix of uses that are reasonably related to the existing land uses in the area and will provide a greater level of public benefit than would be realized under the existing Mixed Use-Neighborhood zoning.
- 3) Material adverse impacts on nearby properties are not anticipated.

IV. B.2

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



City Planning

City of Duluth

PL 12-120

Rezoning MU-N to F-1, F-2

FLU Map

Legend



F-1



F-2

Future Land Use - Plus

Future Land Use

- Preservation
- Recreation
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Neighborhood Mixed Use
- General Mixed Use
- Central Business Secondary
- Central Business Primary
- Auto Oriented Commercial
- Large-scale Commercial
- Business Park
- Tourism/Entertainment District
- Medical District
- Institutional
- Commercial Waterfront
- Industrial Waterfront
- Light Industrial
- General Industrial
- Transportation and Utilities



IV. B.3

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.

0100 30 400 600 800

Feet

Aerial photography from 2007



Legend

-  F-1
-  F-2



IV. B. 5

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.

0 100 200 400 600 800

Feet

Aerial photography from 2007

East Superior St. Lakeside/Lester Park

Permitted Uses in F-1 & F-2 Districts

- Dwelling, one-family (U)
- Dwelling, two-family (U)
- Dwelling, multi-family (U-F1),(P-F2)
- Dwelling, live-work
- Assisted living facility
- Rooming house
- Bus or rail transit station
- Club or Lodge
- Government Admin/Civic Bldg.
- Museum, library or art gallery
- Park, Playground
- Religious Assembly
- Business, art or vocational school
- School, elementary, middle, high
- Medical or dental clinic
- Nursing home (F-2)
- Veterinarian /animal hospital (F-2)
- Indoor entertainment facility (F-2)
- Restaurant w/wo drive through
- Theater
- Hotel or motel/Bed & breakfast
- Bank
- Office
- Day Care Facility
- Funeral Home
- Personal service and repair
- Grocery Store
- Retail Store
- Auto & light Vehicle repair
- Filling Station



**City of Duluth
Planning Division**

411 West First Street • Room 208 • Duluth, Minnesota 55802-1197
218-730-5580 • Fax: 218-730-5904 • www.duluthmn.gov

An Equal Opportunity Employer

**E. SUPERIOR ST. LAKESIDE-LESTER PARK REZONING
PUBLIC COMMENT
July 30, 2012**

1. Will proposed zoning affect new buildings?
2. Parking-Drug Store
3. Will there be a variety of uses allowed?
4. Traffic concerns on London Road-Summer

John Kelley - Zoning changes

From: Steven Goldschmidt <goldschmidt.steven@gmail.com>
To: <jkelley@duluthmn.gov>
Date: 7/25/2012 11:31 AM
Subject: Zoning changes

John- Thank you for your letter regarding the proposed zoning change. I would like to go on record in opposition. I am growing weary of people who have absolutely no skin in the game setting policy. The new Unified Development Chapter in my opinion is a disaster. The more rules that are in place the fewer projects. It would be nice for a change to have less government intervention.

--

Sincerely,

Steve Goldschmidt

goldschmidt.steven@gmail.com
(218) 720-3173

IV.B.8