

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

13-019-0

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

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

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That the 12 acres of the subject properties located on a portion of Campus Park, east of Rice Lake Road, and as more particularly described in Exhibit A and by the following parcel identification numbers:

010-2710-03947      010-1980-05540  
010-2710-03946      010-1980-04420

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:

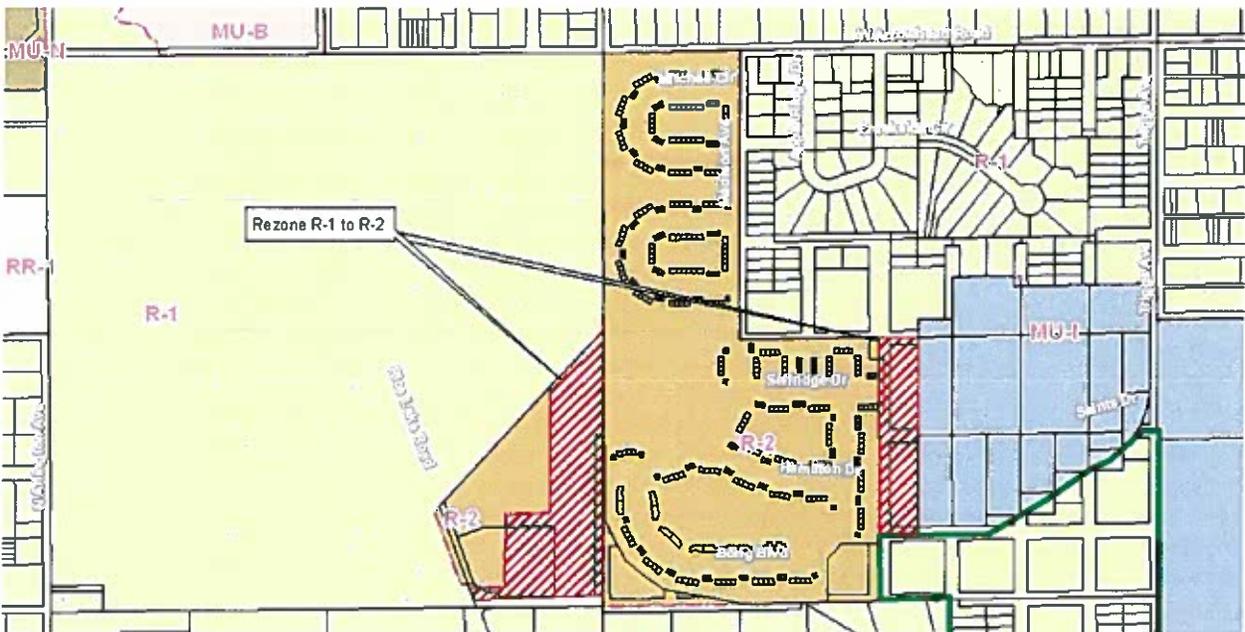


Exhibit A  
(Ref. File No. 12-172)

Section 2. That the 77 acres of the subject property located east of Rice Lake Road and west and south of the St. Scholastica campus, and as more particularly described in Exhibit B and by the following parcel identification

numbers:

010-1980-05090	010-4330-04970	010-4330-02010
010-1980-05290	010-4330-04940	010-4330-02020
010-1980-05270	010-4330-04950	010-4330-01990
010-1980-05320	010-4330-04920	010-4330-02000
010-1980-05070	010-4330-04930	010-4330-01970
010-1980-05200	010-4330-04900	010-4330-01980
010-1980-06740	010-4330-04910	010-4330-01950
010-1980-06840	010-4330-04880	010-4330-01960
010-1980-06940	010-4330-04890	010-4330-01930
010-1980-07040	010-4330-04860	010-4330-01940
010-4330-00010	010-4330-04870	010-4330-02090
010-4330-00020	010-4330-00060	010-4330-02250
010-4330-00030	010-4330-00070	010-4330-02410
010-4330-00040	010-4330-00080	010-2290-00210
010-4330-00050	010-4330-00090	010-2290-00220
010-4330-04340	010-4330-00100	010-2290-00230
010-4330-04620	010-4330-00110	010-2290-00240
010-4330-04630	010-4330-00210	010-2290-00250
010-4330-04600	010-4330-00220	010-0010-00200
010-4330-04610	010-4330-00230	010-0010-00180
010-4330-04580	010-4330-00240	010-2290-00080
010-4330-04590	010-4330-00250	010-2290-00070
010-4330-04560	010-4330-00260	010-2290-00050
010-4330-04570	010-4330-00270	010-2290-00060
010-4330-04540	010-4330-00280	010-2290-00040
010-4330-04550	010-4330-00300	010-2290-00030
010-4330-04520	010-4330-00290	010-2290-00010
010-4330-04530	010-4330-01610	010-2290-00020
010-4330-04500	010-4330-01770	010-2290-00140
010-4330-04510	010-4330-02070	010-2290-00100
010-4330-04640	010-4330-02080	010-2290-00110
010-4330-04660	010-4330-02050	010-2290-00120
010-4330-04840	010-4330-02060	010-2710-03780
010-4330-04980	010-4330-02030	
010-4330-04960	010-4330-02040	

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

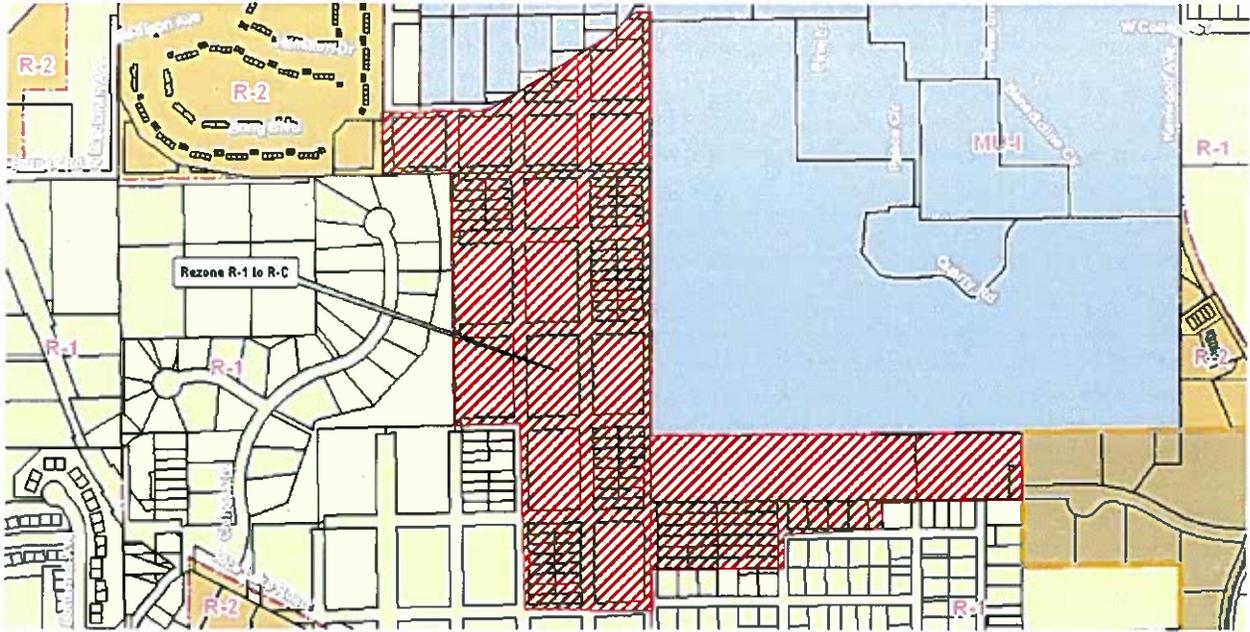


Exhibit B  
(Ref. File No. 12-172)

Section 3. That the 23 acres of the subject property located west of Kenwood Avenue and south of the St. Scholastica campus, and as more particularly described in Exhibit C and by the following parcel identification numbers:

010-0010-00010	010-4426-00010
010-4426-00070	010-4426-00050
010-4426-00080	010-4426-00040
010-4426-00090	010-2710-03841
010-4426-00060	010-2710-03843

be reclassified from MU-N, 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:

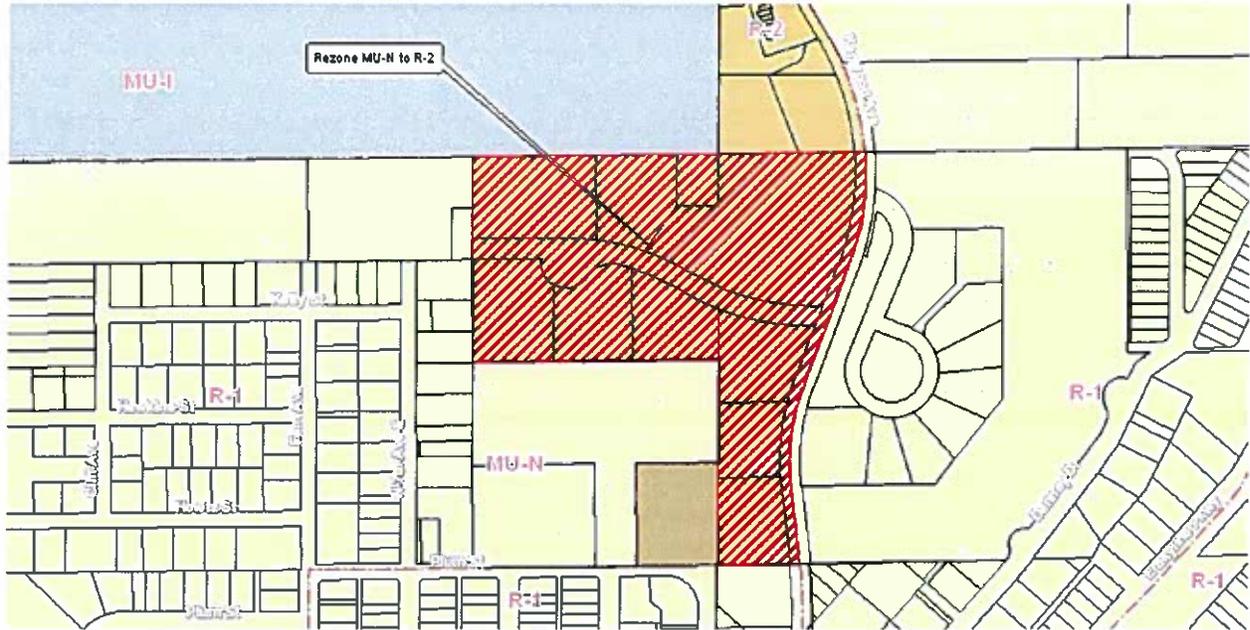


Exhibit C  
(Ref. File No. 12-172)

Section 4. That the 27 acres of the subject property located east of Rice Lake Road and north of Pecan Avenue, and as more particularly described in Exhibit D and by the following parcel identification numbers:

010-4330-06820	010-0540-02100	010-0540-01830
010-4330-06980	010-0540-02080	010-0540-01840
010-4330-07140	010-0540-02060	010-0540-02410
010-2290-00510	010-0540-02030	010-0540-02390
010-2290-00520	010-0540-02040	010-0540-02370
010-2290-00530	010-0540-02010	010-0540-02350
010-2290-00600	010-0540-02020	010-0540-02330
010-2290-00610	010-0540-01990	010-0540-02310
010-2290-00620	010-0540-02000	010-0540-02290
010-2290-00630	010-0540-01970	010-0540-02270
010-2290-00640	010-0540-01980	010-0540-02250
010-2290-00650	010-0540-01950	010-0540-02230
010-2290-00660	010-0540-01960	010-0540-02210
010-2290-00150	010-0540-01930	010-0540-02190
010-2290-00160	010-0540-01940	010-0540-02170
010-2290-00170	010-0540-01910	010-0540-02150
010-2290-00180	010-0540-01890	010-0540-02130
010-0540-01520	010-0540-01870	
010-0540-02120	010-0540-01850	

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:

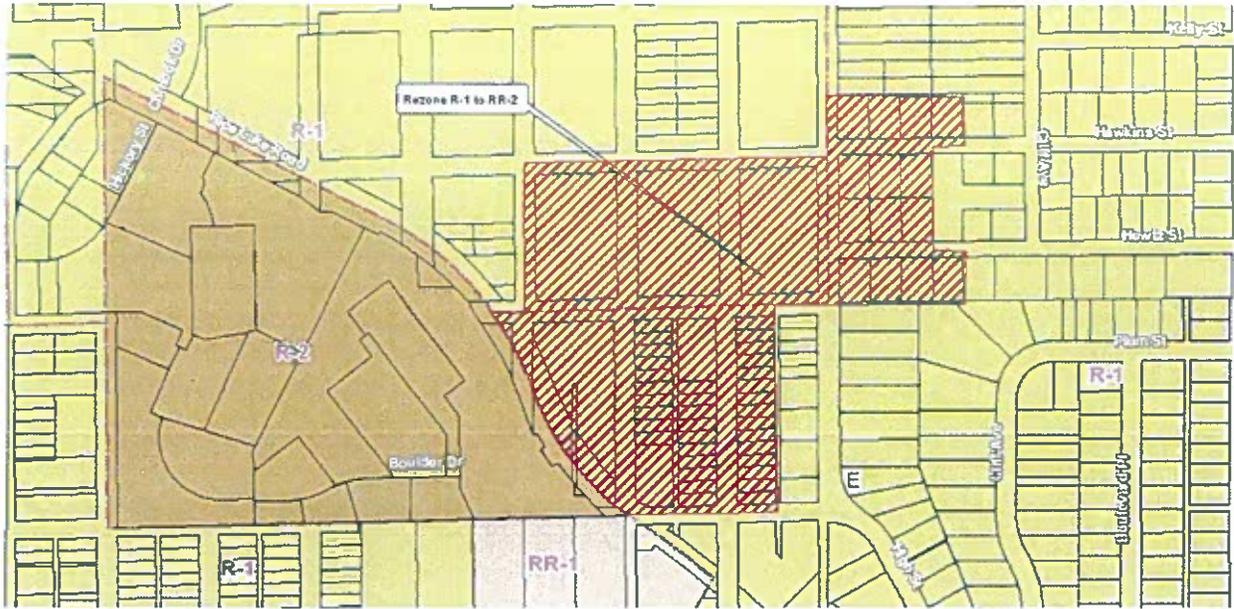
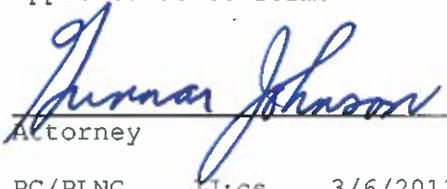


Exhibit D  
(Ref. File No. 12-172)

Section 5. 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 JJ:cs 3/6/2013

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

On February 12, 2013, the Duluth city planning commission held a public hearing on the proposal and voted 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 2012 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 the existing zone district;
- 4) Material adverse impacts on nearby properties are not anticipated.

The motion to approve the rezoning from R-1 to R-2, R-1 to R-C, MU-N to R-2, and R-1 to RR-2 for properties located in the Kenwood neighborhood area by the city council must prevail with a simple majority.

Date of application: N/A

Action deadline: N/A

PL 12-172



**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 12-172	<b>Contact</b>	John Judd, jjudd@duluthmn.gov	
<b>Application Type</b>	UDC Map Amendment	<b>Planning Commission Date</b>	February 12, 2013	
<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>	Five areas in the Kenwood area.			
<b>Applicant</b>	City of Duluth	<b>Contact</b>	John Judd, jjudd@duluthmn.gov	
<b>Agent</b>	Planning Division	<b>Contact</b>	John Judd, jjudd@duluthmn.gov	
<b>Legal Description</b>	See attached			
<b>Site Visit Date</b>	December 16, 2012	<b>Sign Notice Date</b>	January 29, 2013	
<b>Neighbor Letter Date</b>	December 27, 2012	<b>Number of Letters Sent</b>	209	

**Proposal**

To rezone six areas as follows: A. A portion of "Campus Park," east of Rice Lake Road, and an area east of & adjacent to Aspenwood from Residential-Traditional (R-1) to Residential-Urban (R-2) B. East of Rice Lake Road and west and south of the St. Scholastic campus, from Residential-Traditional (R-1) to Rural-Conservation (R-C) C. West of Kenwood Ave. and south of the St. Scholastic campus, from Mixed Use-Neighborhood (MU-N) to Residential-Urban (R-2) D. West of Rice Lake Road along Hickory Street, from Residential-Traditional (R-1) and Residential-Urban (R-2) to Mixed Use-Neighborhood (MU-N) E. East of Rice Lake Road and north of Pecan Avenue, from Residential-Traditional (R-1) to Rural Residential 2 (RR-2)

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	See attached maps	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.

## **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 two 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 the two areas "A" as Urban Residential, and the use of these areas for multi-family housing is also supported by the 2012 Higher Education Small Area Plan and is compatible with adjacent land use. Therefore, the most appropriate zone district for these areas is Residential-Urban (R-2) rather than the current R-1).

3) The Comprehensive Plan - Future Land Use Map identifies Area B as Preservation. 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.

4) The Comprehensive Plan - Future Land Use Map identifies Area C, currently zoned MU-N, 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 Comprehensive Plan - Future Land Use Map identifies Area D as Neighborhood Mixed Use. The appropriate zone district for this land use designation is Mixed Use-Neighborhood (MU-N). This site currently is part of or adjacent to the existing Boulder Ridge development and the MU-N zone would provide retail opportunities not allowed in the current R-1 & R-2 zones.

6) The Comprehensive Plan - Future Land Use Map identifies Area E as Low-density Neighborhood. Rezoning the area from (R-1) Residential-Traditional to Residential-rural 2 (RR-2) will achieve this by changing the minimum lot size from 4,000 sq. ft. to 2 acres.

7) The Planning Division held a public meeting on Wednesday, January 9, to discuss this proposal (13 attendees). Participants expressed no concerns about the proposed rezonings except Summit Management. Note we changed our proposal based on the fact that the 2012 Higher Education Small Area Plan recognized part of the original area, across Rice Lake Rd., from Boulder Ridge, is an "Area for Future Study." An additional opportunity for public comment will occur on Tues., Feb. 12, at 3:30 p.m.

8) Six citizens called or visited City Hall regarding these proposals. No comments were received from public agencies.

## **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 five areas, as illustrated in the attached map:

A. A portion of "Campus Park," east of Rice Lake Rd., and an area east of & adjacent to Aspenwood from Residential-Traditional (R-1) to Residential-Urban (R-2)

B. East of Rice Lake Rd. and west & south of the St. Scholastica campus, from Residential-Trad. (R-1) to Rural-Conservation (R-C)

C. West of Kenwood Ave. and south of the St. Scholastica campus, from Mixed Use-Nbrhd. (MU-N) to Residential-Urban (R-2)

D. West of Rice Lake Rd. along Hickory Street, from Residential-Trad. (R-1) and Residential-Urban (R-2) to Mixed Use-Nbrhd. (MU-N)

E. East of Rice Lake Road and north of Pecan Ave., from Residential-Traditional (R-1) to Rural Residential 2 (RR-2)

Reasons supporting this recommendation are as follows:

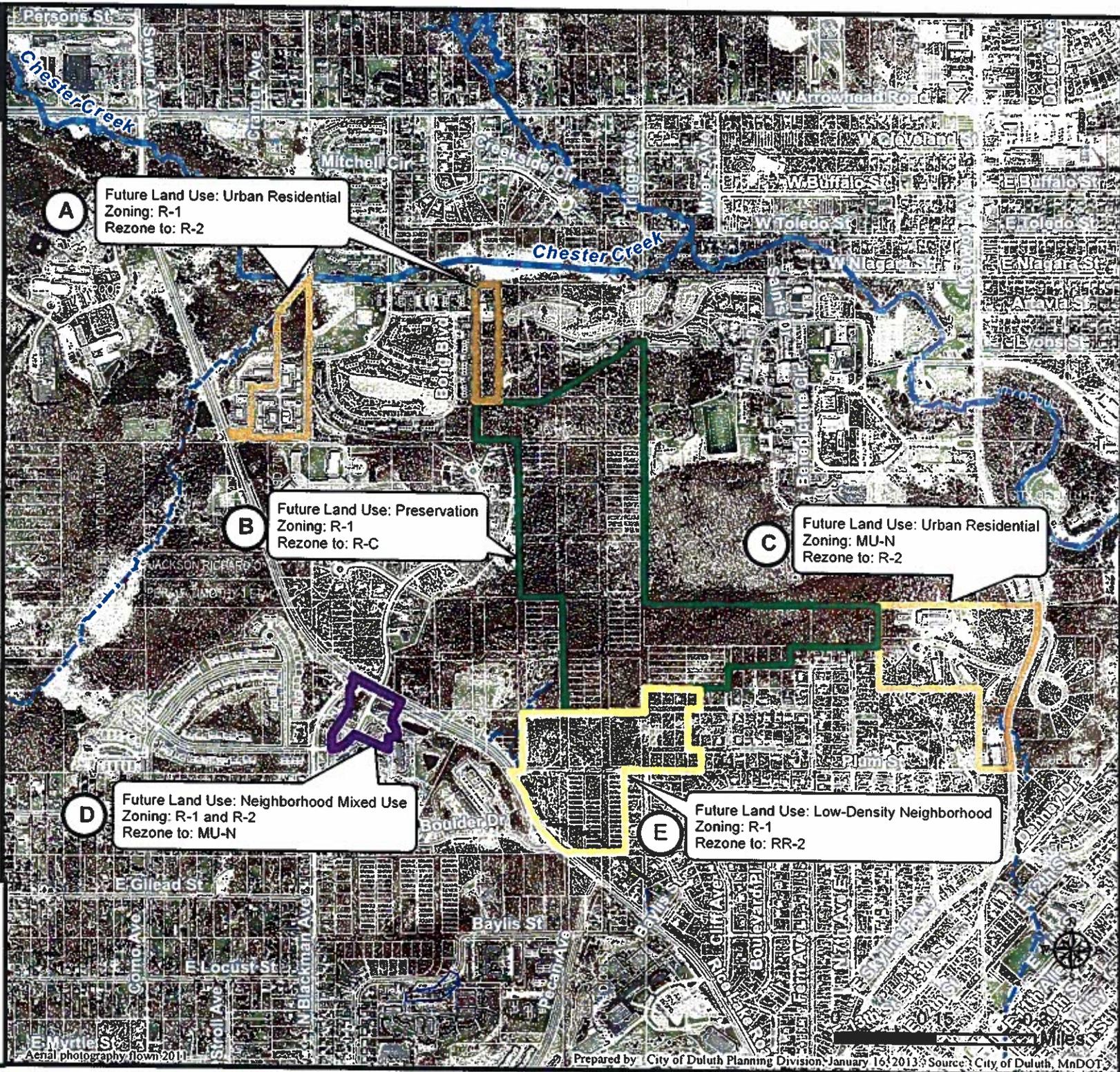
1) It is consistent with the Comprehensive Land Use Plan 2) It is consistent with the 2012 Higher Education Small Area Plan 3) Rezoning will allow uses that are reasonably related to the existing land uses in the area and will result in a final product that provides a greater level of public benefit than the existing 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)**



# City Planning

Kenwood Area  
Map Amendment



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.

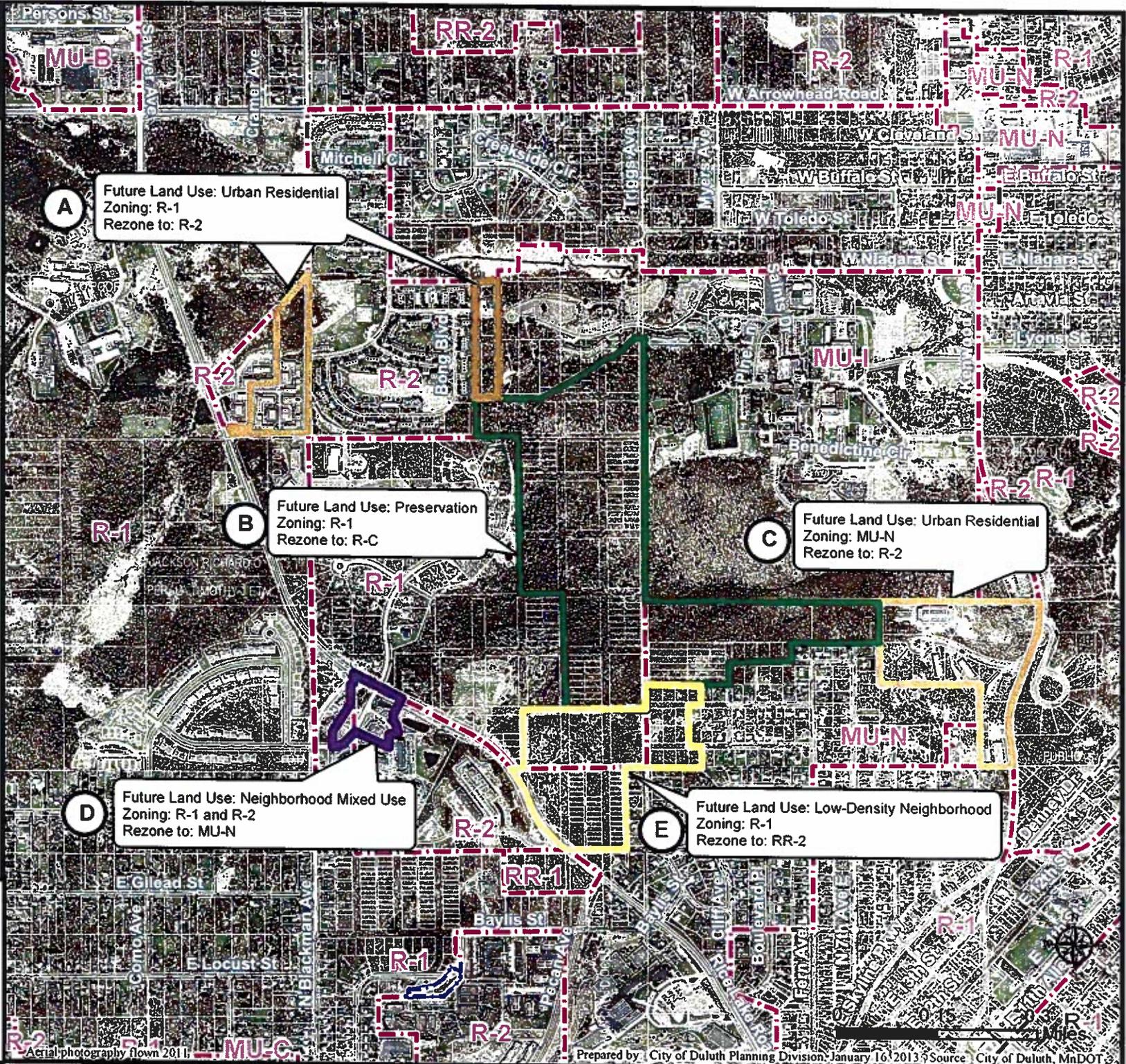


# City Planning

Kenwood Area  
Map Amendment  
Zoning Map

## Legend

- Study Area
- Zoning (Final)
- Titleholder (labeling)



**A** Future Land Use: Urban Residential  
Zoning: R-1  
Rezoned to: R-2

**B** Future Land Use: Preservation  
Zoning: R-1  
Rezoned to: R-C

**C** Future Land Use: Urban Residential  
Zoning: MU-N  
Rezoned to: R-2

**D** Future Land Use: Neighborhood Mixed Use  
Zoning: R-1 and R-2  
Rezoned to: MU-N

**E** Future Land Use: Low-Density Neighborhood  
Zoning: R-1  
Rezoned to: RR-2

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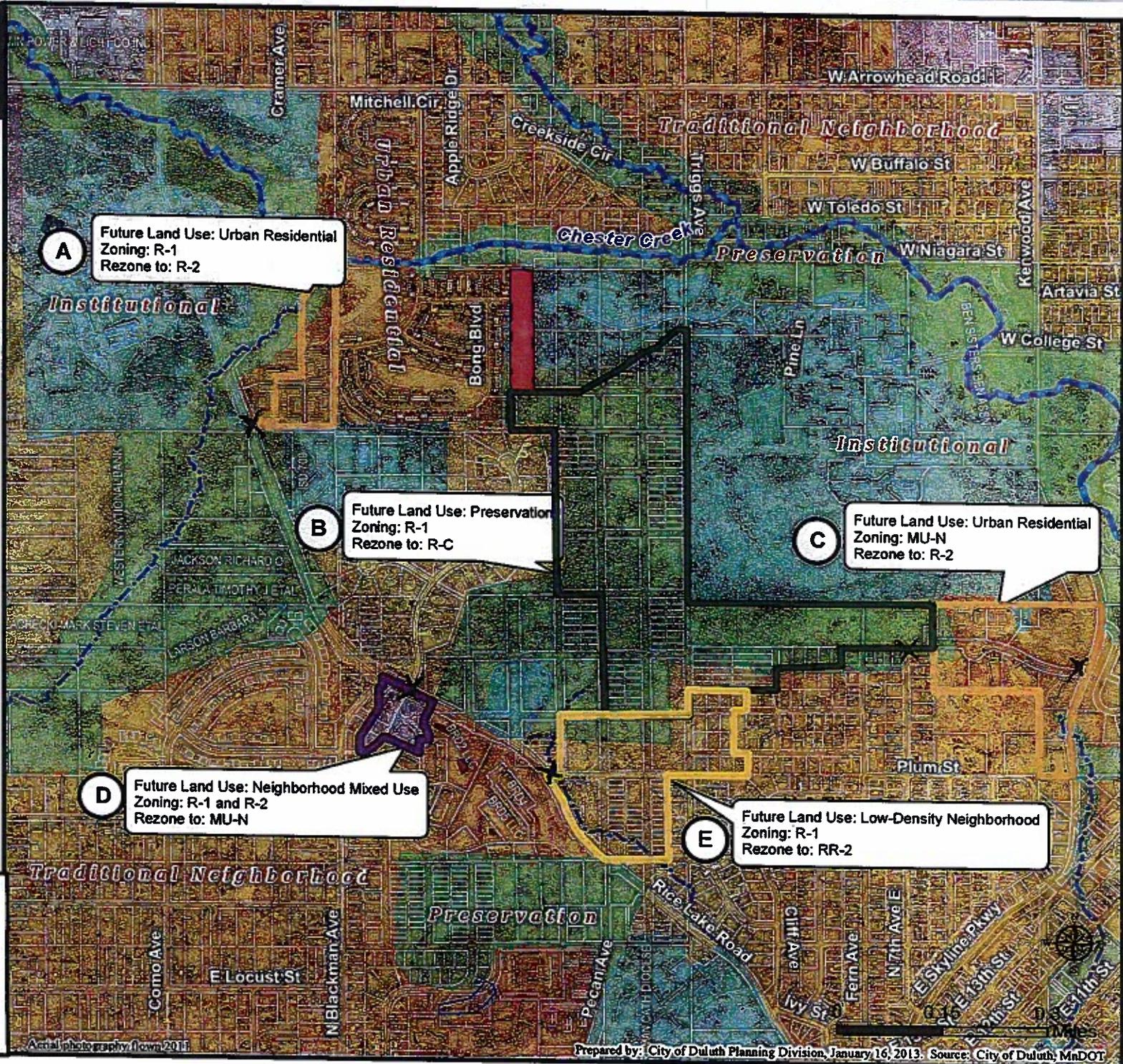
Aerial photography flown 2011

Prepared by City of Duluth Planning Division, January 16, 2013. Source: City of Duluth, MnDOT



# City Planning

Kenwood Area  
Map Amendment



**A** Future Land Use: Urban Residential  
Zoning: R-1  
Rezoned to: R-2

**B** Future Land Use: Preservation  
Zoning: R-1  
Rezoned to: R-C

**C** Future Land Use: Urban Residential  
Zoning: MU-N  
Rezoned to: R-2

**D** Future Land Use: Neighborhood Mixed Use  
Zoning: R-1 and R-2  
Rezoned to: MU-N

**E** Future Land Use: Low-Density Neighborhood  
Zoning: R-1  
Rezoned to: RR-2

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Aerial photography from 2011

Prepared by: City of Duluth Planning Division, January 16, 2013. Source: City of Duluth, MnDOT



City of Duluth Planning Division  
Jenn Reed Moses  
& Members of the Small Area Plan Committee  
411 W 1st Street, Room 208  
Duluth, MN 55802

December 14, 2012

**Re: Draft Recommendations of the Higher Education Small Area Plan**

Dear Ms. Reed Moses and Committee Members,

As part of the follow-up to the City of Duluth's Higher Education Plan, I understand that the City Planning Department is finalizing the rezoning recommendations generated from the Small Area Plan process. This includes rezoning a portion our Boulder Ridge project to MN-U zoning, as well as rezoning the remainder of our Campus Park development to R-2. I understand that these recommendations will be brought before the Planning Commission in February, 2013.

Summit is generally in favor of the proposal to increase retail access for our residents along Rice Lake Road. Unfortunately, the area considered for rezoning to MN-U under the Small Area Plan is located at our existing Clubhouse facility which is the hub of our existing operations; serving nearly 1,000 students with management services, an indoor pool, workout facilities and computer lab services. The remainder of the site will be difficult to develop as it is comprised of either wetland or existing parking stalls. The proposed locations for rezoning are not favorable and represent a lost opportunity to bring retail to Boulder Ridge.

Alternatively, I would again like to take this opportunity to formally request that the Planning Department consider rezoning the vacant land, police training grounds, and single family home (1712) located on the SE corner of Rice Lake Road and Chinook Drive / Hickory Street to MN-U (see attached depiction). We believe that this area represents a much greater redevelopment opportunity for viable mixed-use retail development along Rice Lake Road.

As you are aware, this area was recommended for "Future Study" under the Small Area Plan. I would request that this area be included in the present rezoning effort (and if necessary Comprehensive Plan amendment). We believe this area represents the most viable option for walking distance retail for our residents.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mick L. Conlan".

Mick L. Conlan

Attachment

Location of Proposed and Requested MN-U Rezone (12-21-2012)

