



**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 13-107 (Lower)	<b>Contact</b>	John Judd, jjudd@duluthmn.gov	
<b>Application Type</b>	UDC Zoning Map Amendment	<b>Planning Commission Date</b>	August 13, 2013	
<b>Deadline for Action</b>	<b>Application Date</b>	Not Applicable(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>	Area bordered by W. Superior St., and I-35, between South 22nd Ave. W. and South 32nd Ave. W.			
<b>Applicant</b>	City of Duluth	<b>Contact</b>	John Judd, jjudd@duluthmn.gov	
<b>Agent</b>	City of Duluth, Planning Division	<b>Contact</b>	John Judd, jjudd@duluthmn.gov	
<b>Legal Description</b>	See attached listing of Parcel Numbers, Exhibit "A" and attached maps.			
<b>Site Visit Date</b>	July 12, 2013	<b>Sign Notice Date</b>	July 30, 2013	
<b>Neighbor Letter Date</b>	July 18, 2013	<b>Number of Letters Sent</b>	143, Neighborhood Mtg. July 30	

**Proposal**

Rezone the Lower Lincoln Park area bordered by West Superior St., and Interstate 35 between South 22nd Ave. West and South 32nd Ave. West; from Industrial-General (I-G) to Mixed-Use-Business Park (MU-B)

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	Industrial-General (I-G)	Commercial, Lt. Industrv	General Mixed Use
<b>North</b>	Mixed Use-Business Pk (MU-B)	Commercial / Residential	General Mixed Use
<b>South</b>	Industrial-General (I-G)	Light / Heavy Industry	General Mixed Use
<b>East</b>	Mixed Use-Business Pk (MU-B)	Commercial, Lt. Industry	General Mixed Use
<b>West</b>	Mixed Use-Business Pk (MU-B)	Commercial, Lt. Industry	General Mixed Use

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

Section 50-37.3 Uniform Development Chapter (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 50-37.1.1, 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 Super majority 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.

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

The Comprehensive Plan Future Land Use Map indicates General Mixed Use as the land use category for the area proposed for rezoning.

**Governing Principles:**

**Principle #4 - Support emerging economic growth sectors**

Emerging economic sectors add economic, cultural and social diversity. These include higher education, medical, value-added manufacturing, commercial outdoor recreation, historic resources interpretation, arts and music, information technology and visitor services.

**Principle #8 - Encourage mix of activities, uses and densities**

Cities have evolved as a mix of land uses, building types, housing types, and activities. Accommodating choice while protecting investment is a balance to strike in land use regulation. Mixed uses provide opportunity for a diversity of activity that segregated, uniform uses do not provide

**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.

3) The MU-B district is intended to accommodate modern light industrial and technology-based developments of attractive integrated design and function. The development standards for this district are intended to ensure that projects minimize adverse impacts on surrounding uses and neighborhoods, reduce impacts on the natural environment, enhance the visual quality of development and ensure the provision of adequate and cost-efficient public facilities. Intended uses include wholesaling, industrial services, research laboratories, and light manufacturing needed to support the community and region at large.

4) This district allows for the following Permitted Uses: Bus or rail transit station, Cemetery or mausoleum (S), Club or Lodge, Government Admin/Civic Bldg., Museum, library or art gallery (S), Religious Assembly (S), Business, art or vocational school, Medical or dental clinic, Kennel, Veterinarian or animal hospital, Convention or event center, Indoor entertainment facility, Restaurant with/wo drive-through, Hotel or motel, Bed and breakfast, Bank, Office, Data Center, Other outdoor entertainment or recreation use not listed (S), Business park support activities, Funeral home or crematorium, Mini-storage facility, Personal service and repair, Building materials sales, Automobile and light vehicle repair and service, Automobile and light vehicle sales, rental, or storage, Filling station, Parking lot or parking structure (primary use), Truck or heavy vehicle sales, rental, repair or storage, Contractors shop and storage yard, Dry cleaning or laundry plant, Research laboratories, Industrial services, Manufacturing (light), Truck freight or transfer terminal, Storage warehouse, Wholesaling and additional Special and Accessory Uses.

5) This rezoning will bring the proposed area into compliance with the City's Comprehensive Land Plan-Future Land Use Map category.

6) Comments from other neighbors, public agencies and City departments: None from public agencies/City departments. A public meeting was held regarding this proposal on July 30, 2013 and 4 people attended (see attachment for public comments).

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

Based on the above findings, staff recommends to Planning Commission that the proposed rezoning the portion of lower Lincoln Parkas described in Exhibit A from Industrial General (I-G) to Mixed-Use-Business Park (MU-B) be recommended for approval by City Council for the following reasons:

1) This proposal is consistent with the Comprehensive Land Use Plan.

2) The proposed MU-B zone district is consistent with the future land use category "General Mixed Use".

3) Rezoning to MU-B zone district 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 better match for the majority of uses now located in the area and a greater level of public benefit than would be generated under the existing I-G zone district.

4) Material adverse impacts on nearby properties are not anticipated.

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



City Planning  
PL 13-107

Proposed Rezoning  
Lower Lincoln Park  
I-G to MU-B

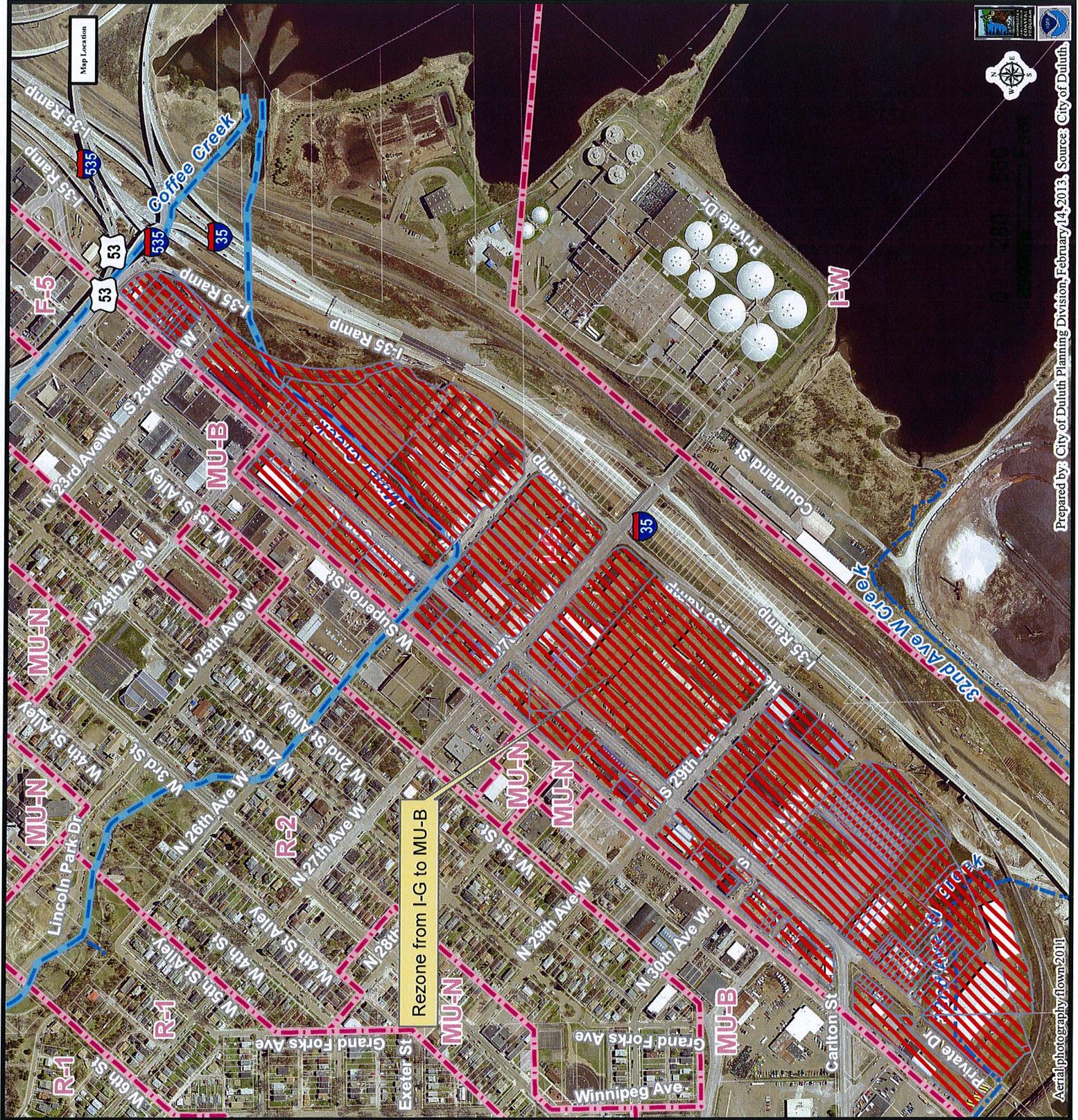


Rezoning Area



Zoning (Final)

Rezone from I-G to MU-B



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Aerial photography flown 2011

Prepared by: City of Duluth Planning Division, February 14, 2013. Source: City of Duluth.

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**City Planning**  
**PL 13-107**  
**Proposed Rezoning**  
**Lower Lincoln Park**  
**I-G to MU-B**



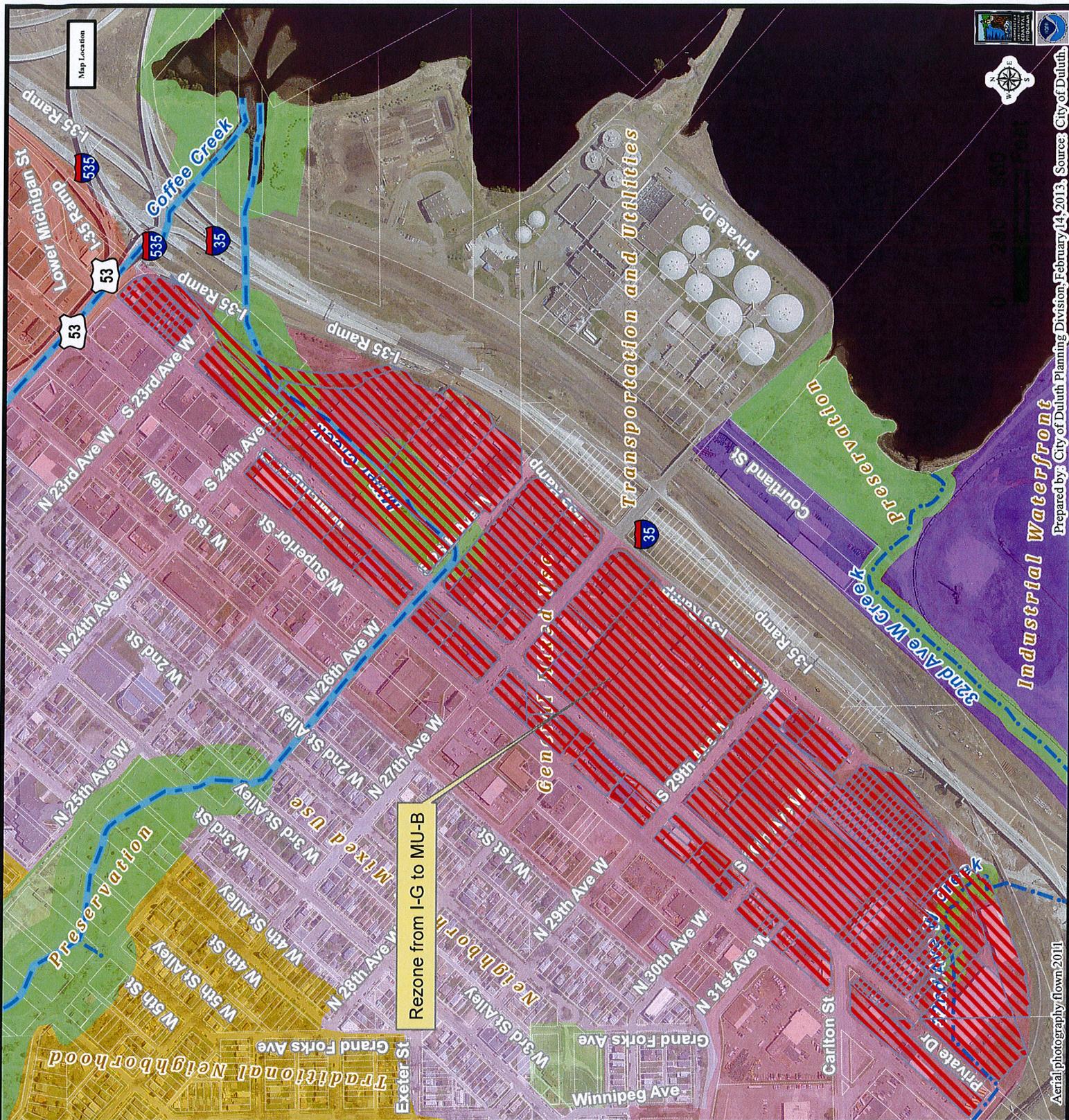
**Rezoning Area**

**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

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Aerial photography: flown-2011

Prepared by: City of Duluth Planning Division, February 14, 2013. Source: City of Duluth.

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**City Planning**  
**PL 13-107**  
**Proposed Rezoning**  
**Lower Lincoln Park**  
**I-G to MU-B**


**Rezoning Area**

Rezoning from I-G to MU-B

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Exhibit A: PL 13-107, Lincoln Park (lower area) Rezoning, Parcel Numbers

010-1100-00310	010-2515-00120	010-3190-00115	010-3190-02470	010-1110-00390	010-1110-00450
010-3190-00350	010-2515-00221	010-3190-01410	010-3190-02540	010-1110-00380	010-1110-00430
010-3190-00360	010-1120-03310	010-3190-01420	010-3190-02600	010-1110-00375	010-1110-00440
010-3190-00370	010-1120-03300	010-3190-01430	010-3190-04850	010-1110-00170	010-1110-00410
010-3190-00380	010-1120-03245	010-3190-01440	010-3190-04860	010-1090-00010	010-1110-00400
010-3190-00390	010-1120-03240	010-3190-01450	010-3190-04870	010-1110-00280	010-1110-00180
010-3190-00400	010-1120-03220	010-3190-01460	010-3190-02210	010-3190-00570	010-1110-00190
010-3190-00410	010-1120-03200	010-3190-01470	010-3190-02280	010-3190-00450	010-1110-00371
010-3190-00420	010-1120-03190	010-3190-01480	010-3190-02272	010-3190-00605	010-1110-00480
010-3190-00430	010-1120-03130	010-3190-01690	010-2515-00170	010-1080-01412	010-1110-00490
010-3190-00440	010-2515-00010	010-3190-01500	010-3190-02215	010-1080-01415	010-1110-00500
010-3190-00460	010-1120-03000	010-1120-02990	010-3190-02080	010-3190-00920	010-1120-03225
010-3190-00470	010-1120-03020	010-1120-02980	010-3190-02120	010-3190-00930	010-3190-00921
010-3190-00480	010-1120-03030	010-3190-01610	010-3190-02130	010-3919-00070	010-3190-01090
010-3190-00500	010-1120-03040	010-3190-01620	010-3190-02140	010-3919-00050	010-3190-01400
010-3190-00510	010-3590-01045	010-3190-01640	010-3190-02185	010-3919-00040	010-3190-01630
010-3190-00520	010-3590-01120	010-3190-01650	010-3190-02100	010-2515-00070	010-3190-01680
010-3190-00530	010-3590-01180	010-3190-01660	010-3190-02035	010-1100-00180	010-3190-01860
010-3190-00540	010-3590-01260	010-3190-01670	010-2150-00020	010-3190-01390	010-3190-01980
010-3190-00550	010-3190-00120	010-3190-01700	010-2150-00010	010-3190-00230	010-3190-01990
010-3190-00560	010-3190-00240	010-1120-03045	010-1110-00010	010-3190-01490	010-3190-02000
010-3190-00580	010-3190-00270	010-2515-00060	010-1090-00012	010-3190-01495	010-3190-02110
010-3190-00590	010-3190-00280	010-1120-03104	010-1080-01416	010-3190-01970	010-3190-02276
010-3190-00600	010-3190-00290	010-1120-03290	010-1110-00470	010-3190-01960	010-3190-02310
010-3919-00010	010-3190-00300	010-1120-03102	010-1110-00460	010-3190-01950	010-3190-02420
010-3919-00020	010-3190-00310	010-2515-00165	010-2515-00150	010-3190-01940	010-3590-01040
010-3919-00030	010-3190-00320	010-2515-00160	010-2515-00140	010-3190-01930	010-3590-01051
010-3919-00060	010-3190-00330	010-3190-02360	010-2515-00130	010-3190-01910	
010-2515-00080	010-3190-00340	010-3190-02455	010-2515-00110	010-3190-01900	
010-2515-00090	010-3190-01380	010-3190-02480	010-2515-00100	010-3190-02220	

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City of Duluth  
Planning Division

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JULY 30, 2013  
LINCOLN PARK MEETING

REZONE FROM R-2 TO MU-N (lower) PL 13-107

REZONE FROM I-G TO MU-B (upper) PL 13-108

COMMENTS/CONCERNS

1. Would change of zoning affect taxes paid? (rezoning increase property taxes?)
2. Will vacant property get developed?
3. Is urban agriculture allowed in MU-N?
4. High crime rate in area – hurts business
5. Concerned with Lincoln Park school and possible re-use for housing-to many units
6. Concerned with size and scale of commercial development
7. Special uses require notification of Planning Commission review
8. New commercial use-new development requires review
9. Public comment does influence rezoning outcome

## John Judd

---

**From:** Jonathan Stensland <jastensland@me.com>  
**Sent:** Thursday, July 25, 2013 9:37 AM  
**To:** John Judd  
**Subject:** Re: Regarding the Rezoning of Lincoln Park west of N 24th Ave West

Thank you

Sent by my iPhone

On Jul 25, 2013, at 9:24 AM, John Judd <jjudd@DuluthMN.gov> wrote:

> These and other rezoning's throughout the City are being pursued to implement the "vision" adopted by the City with the 2006 Comprehensive Land Use Plan which can be viewed on the City's web [www.duluthmn.gov](http://www.duluthmn.gov) page under Planning.

>

> JJ

>

> -----Original Message-----

> From: Jonathan Stensland [mailto:jastensland@me.com]

> Sent: Thursday, July 25, 2013 8:54 AM

> To: John Judd

> Subject: Re: Regarding the Rezoning of Lincoln Park west of N 24th Ave West

>

> Understood. It would be interesting to know the vision, if any, that the City has been brooding on for those quirky blocks.

>

> Sent by my iPhone

>

> On Jul 25, 2013, at 8:44 AM, John Judd <jjudd@DuluthMN.gov> wrote:

>

>> Jonathan Stensland

>>

>>

>> Thank you for your interest in this proposed rezoning along West 3rd street in Lincoln Park.

>>

>> A quick look at the map, which is on the back of the letter you received, shows that your property " between 1st and 2nd, with its face toward N 24th Ave W" is not included in the proposed rezoning. Only those properties covered by the red striping on the map are being proposed for rezoning.

>>

>>

>> John E. Judd, III

>> Senior Planner

>> Planning Division

>> City of Duluth

>> 218-730-5580

>> [jjudd@duluthmn.gov](mailto:jjudd@duluthmn.gov)

>>

>>

B-8

>> -----Original Message-----

>> From: Jonathan Stensland [mailto:jastensland@me.com]

>> Sent: Tuesday, July 23, 2013 5:52 PM

>> To: planning

>> Subject: Regarding the Rezoning of Lincoln Park west of N 24th Ave West

>>

>>

>> Hello,

>>

>> Would you send more information to me at:

>>

>> 3632 39th Ave S

>> Mpls, MN 55406

>>

>> .. regarding the planned Zoning changes described in the subject-line of this message.

>>

>> I own a Duplex between 1st and 2nd, with its face toward N 24th Ave W.

>>

>> I am interested in the future look of the blocks that the planning committee has suggested ought to be Redefined.

>>

>> Sincerely,

>>

>> Jonathan Stensland

>>

>> Sent by my iPhone

B-9

## John Judd

---

**From:** Gabriel Green <gg2643@gmail.com>  
**Sent:** Thursday, July 25, 2013 1:11 PM  
**To:** John Judd  
**Subject:** Re: Lincoln Park Rezoning

Thank you JJ I just wanted to make sure we are in compliance with City Changes.

God Bless You

To Live Is Christ, But to Die Is Gain.

On Jul 25, 2013, at 9:17 AM, John Judd <jjudd@DuluthMN.gov> wrote:

Hello Pastor Green

Thank you for your interest in this proposed rezoning along West 3<sup>rd</sup> street in Lincoln Park.

A quick look at the map, which is on the back of the letter you received, shows that the Church of Restoration Twin Ports at 2623 W. 2<sup>nd</sup> St is not included in the proposed rezoning. Only those properties covered by the red striping on the map are being proposed for rezoning.

However, if you would like to discuss this rezoning matter further you can just give me a call at 730-5301 or contact our office at 730-55580 to schedule an appointment.

JJ

John E. Judd, III  
Senior Planner  
Planning Division  
City of Duluth  
218-730-5580  
[jjudd@duluthmn.gov](mailto:jjudd@duluthmn.gov)

**From:** Gabe Green [<mailto:gg2643@gmail.com>]  
**Sent:** Tuesday, July 23, 2013 4:05 PM  
**To:** John Judd  
**Cc:** Amy Spampinato  
**Subject:** Lincoln Park Rezoning

Greetings Mr. Judd

I want to thank you for sending out the letter in regards to the re-zoning that will take place, I would love to sit down and talk to you in more detail about this so I may have a full

understanding of what this zoning change means for Church of Restoration Twin Ports. I am on stage most evening doing a show at Harbor City School, but i'm free in the day time to meet with you. I would greatly appreciate it if you could put me on a schedule for a Monday or Tuesday.

Thanks In Advance

**CHURCH of RESTORATION TWIN PORTS**  
**Gabriel Green**  
**Pastor/Executive Director**  
**2623 W. 2nd Street**  
**Duluth, MN 55806**  
**218-310-5205**  
**218-600-1668 (Office)**  
**www.churchofrestorationtwinports.com**

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