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 12-172		**Contact**	John Judd, jjudd@duluthmn.gov	
Application Type	UDC Map Amendment		**Planning Commission Date**	February 12, 2013	
Deadline for Action	**Application Date**	N/A	**60 Days**	N/A	
	Date Extension Letter Mailed	N/A	**120 Days**	N/A	
Location of Subject	Five areas in the Kenwood area.				
Applicant	City of Duluth		**Contact**	John Judd, jjudd@duluthmn.gov	
Agent	Planning Division		**Contact**	John Judd, jjudd@duluthmn.gov	
Legal Description	See attached				
Site Visit Date	December 16, 2012		**Sign Notice Date**	January 29, 2013	
Neighbor Letter Date	December 27, 2012		**Number of Letters Sent**	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)

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	See attached maps	Various	See attached maps
North	See attached maps	Various	See attached maps
South	See attached maps	Various	See attached maps
East	See attached maps	Various	See attached maps
West	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.

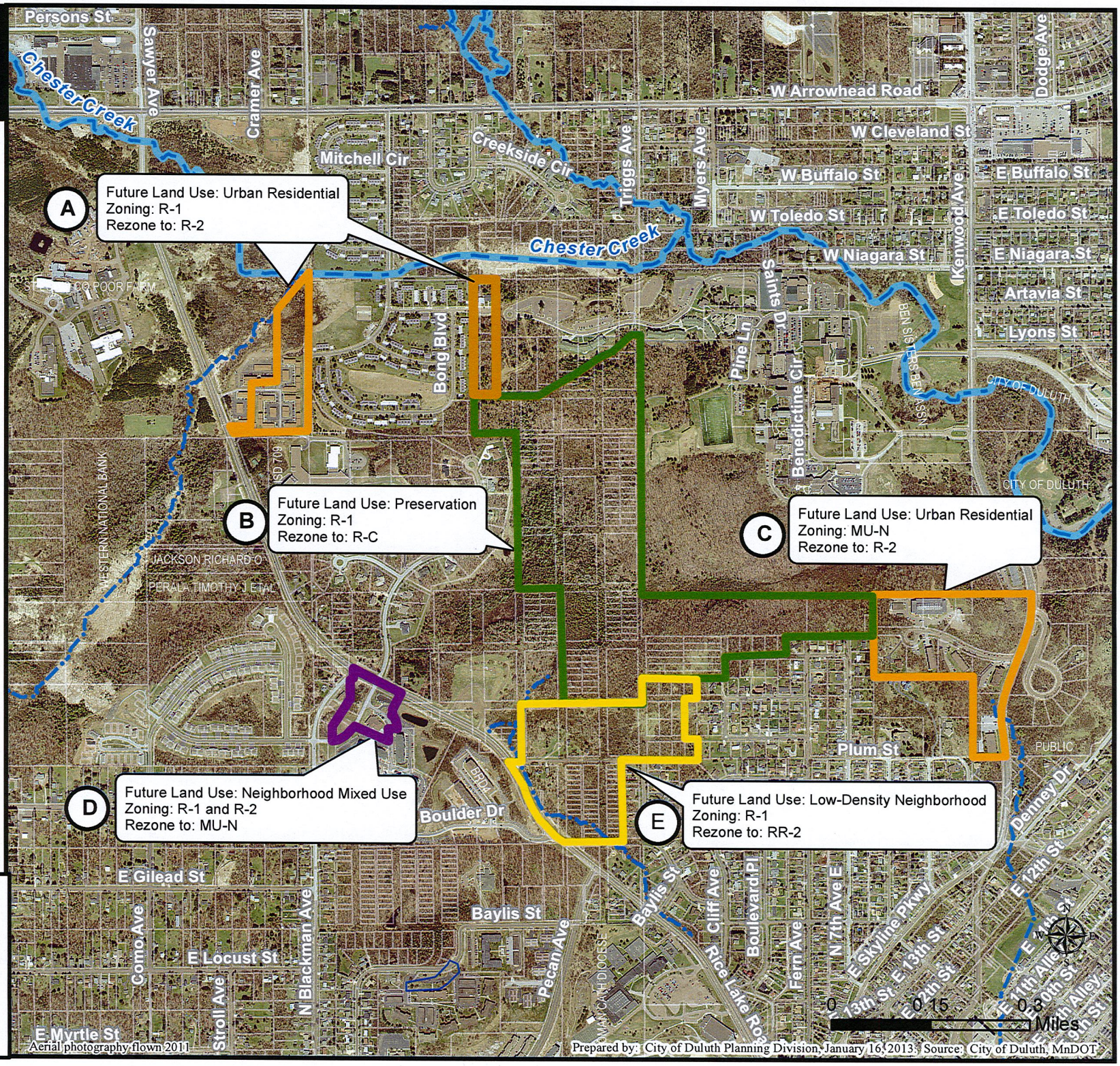
Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

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



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

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

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

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

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

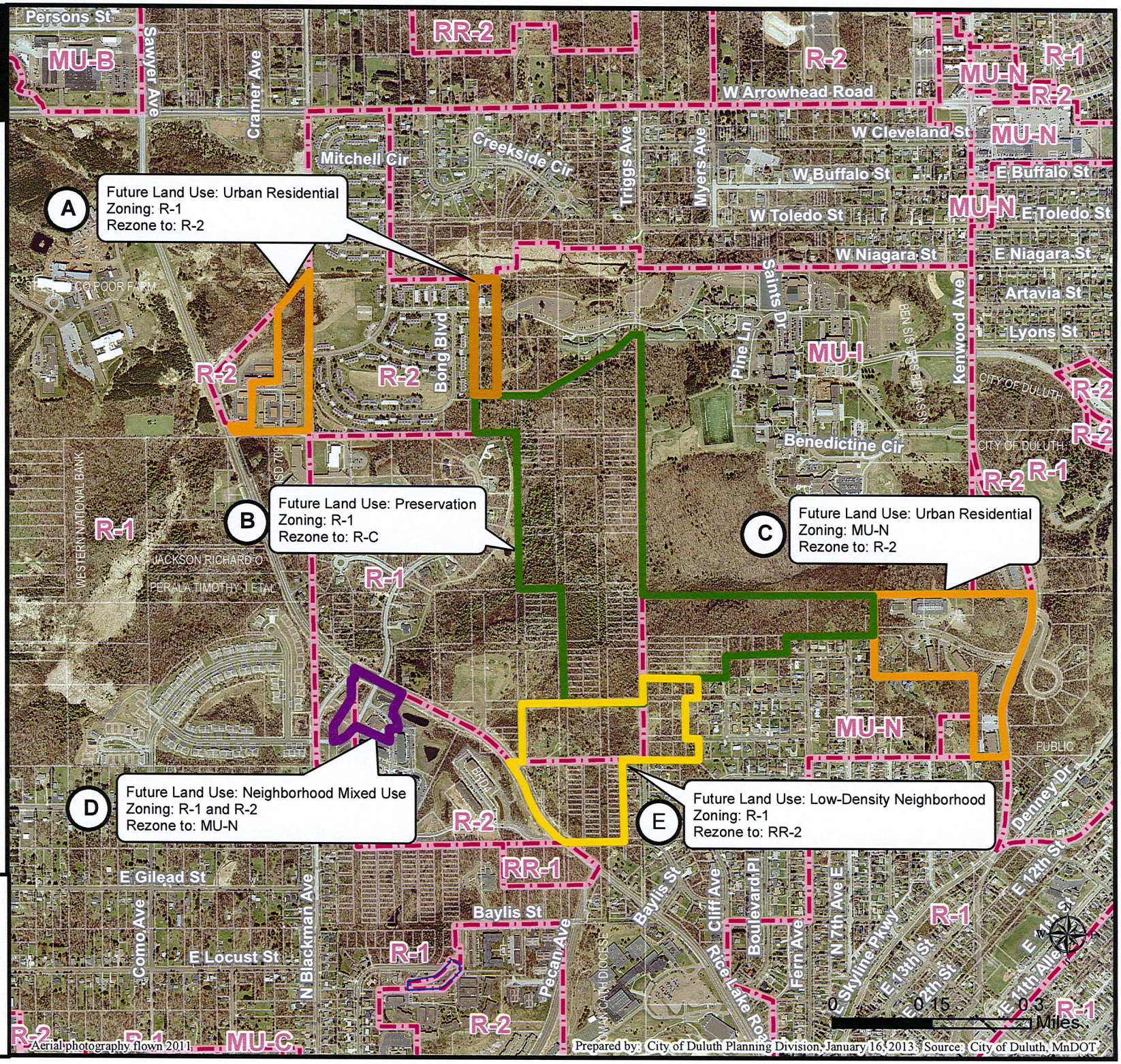
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used 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

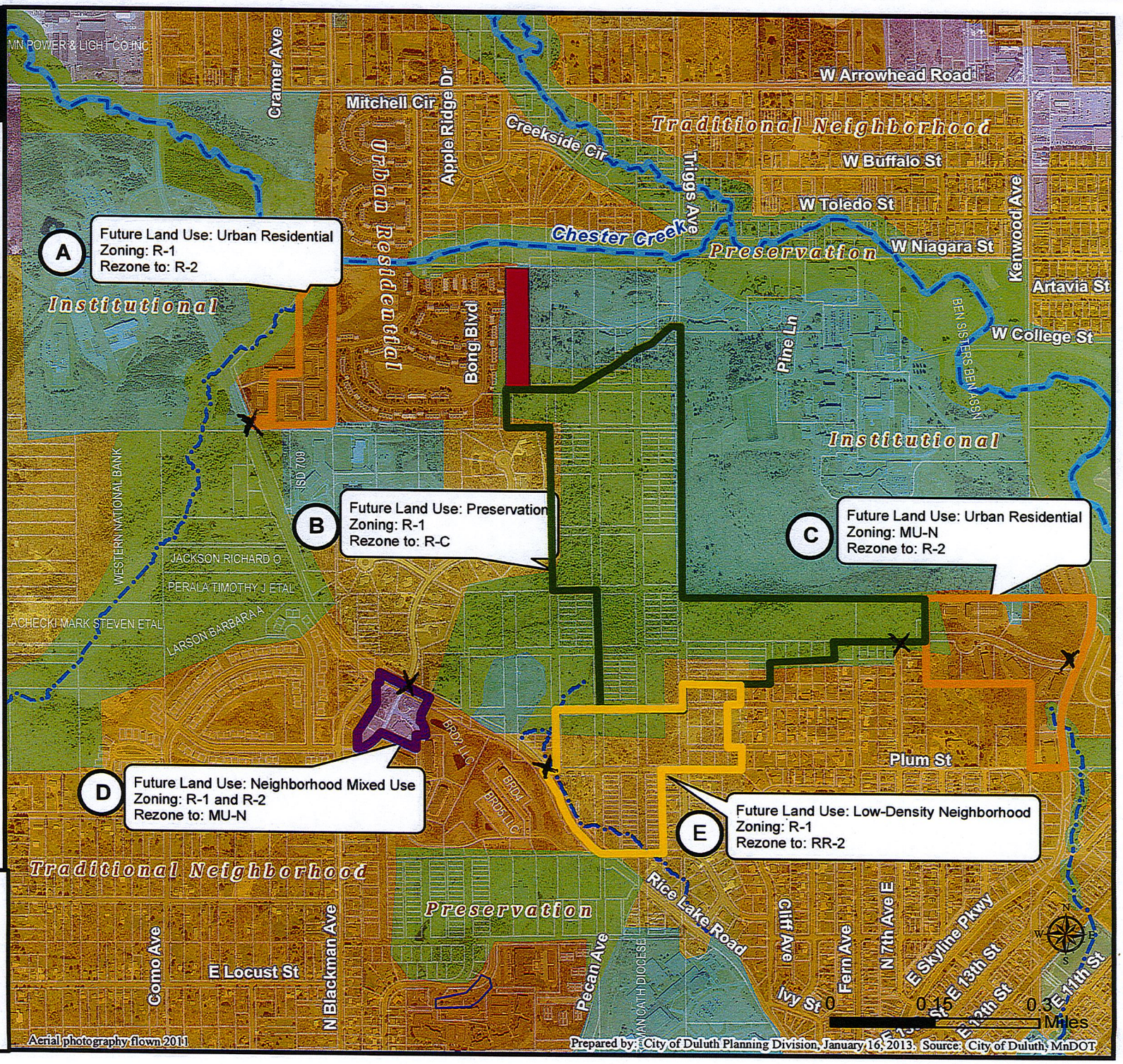
- Study Area
- Zoning (Final)
- Titleholder (labeling)



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



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.

SUMMIT REAL ESTATE

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.

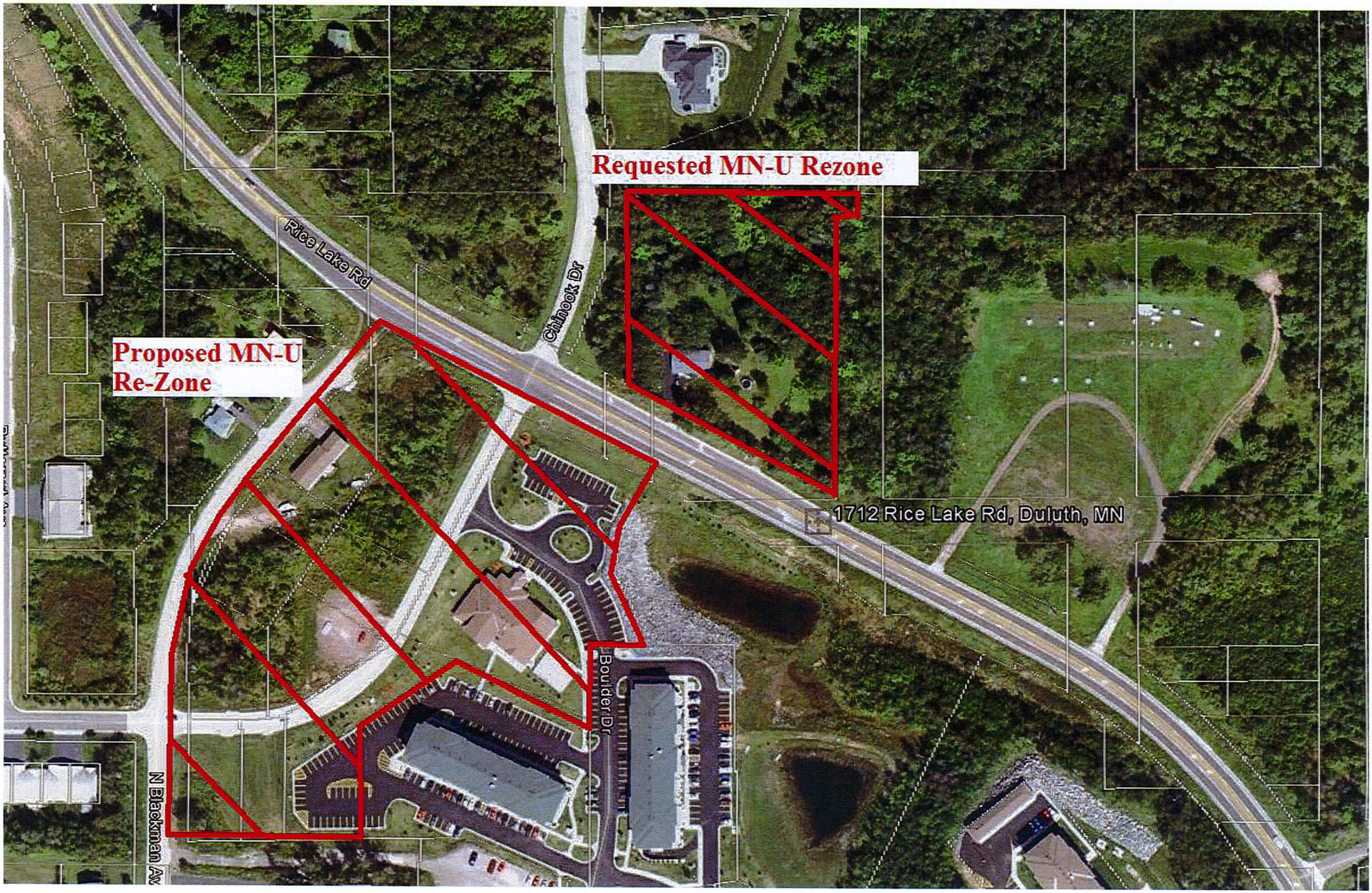
Summit is generally in favor of the proposal to increase retail access for our residents along Rice Lake Road. Unfortunately, the area considered for rezoning to MN-U under the Small Area Plan is located at our existing Clubhouse facility which is the hub of our existing operations; serving nearly 1,000 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,

Mick L. Conlan

Attachment

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