

COUNCIL COPY

1st R06
9/9/13

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

13-062-O

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM RESIDENTIAL-URBAN (R-2) TO MIXED USE-NEIGHBORHOOD (MU-N), FOR PROPERTIES BETWEEN NORTH 24TH AVENUE WEST AND NORTH 28TH AVENUE WEST FROM THE WEST FOURTH STREET ALLEY TO THE WEST THIRD STREET ALLEY (CITY OF DULUTH).

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That portions of the subject property located in the Upper Lincoln Park neighborhood area bordered by 24th Avenue West to North 28th Avenue West and West Fourth Street Alley and the West Third Street Alley; and as more particularly described in Exhibit A and by the following:

010-1180-01560	010-1180-02080	010-1140-03700
010-1180-01570	010-1180-02090	010-1140-03690
010-1180-01580	010-1180-02120	010-1140-03685
010-1180-01630	010-1180-02110	010-1140-03680
010-1180-01620	010-1180-02180	010-1140-03670
010-1180-01610	010-1180-02160	010-1140-04120
010-1180-01585	010-1180-02190	010-1140-04110
010-1180-01650	010-1140-04260	010-1140-04090
010-1180-01670	010-1140-04250	010-1140-04070
010-1180-01700	010-1140-04240	010-1140-04060
010-1180-01710	010-1140-04270	010-1140-04050
010-1180-01690	010-1140-04310	010-1140-04040
010-1180-01730	010-1140-04290	010-1140-04030
010-1180-01740	010-1140-04280	010-1140-04020
010-1180-01720	010-1140-04330	010-1140-04010
010-1180-01760	010-1140-04520	010-1140-04000
010-1180-01750	010-1140-04360	010-1140-03990
010-1180-01840	010-1140-03790	010-1140-03980
010-1180-01800	010-1140-03780	010-1180-02430
010-1180-01820	010-1140-03770	010-1180-02435
010-1180-01780	010-1140-03760	010-1180-02440
010-1180-01770	010-1140-03750	010-1180-02450
010-1180-01775	010-1140-03740	010-1180-02460
010-1180-02150	010-1140-03730	010-1180-02480
010-1180-02140	010-1140-03710	010-1180-02490

Section 2. That this ordinance shall take effect 30 days after its passage and publication.

Approved as to form:



Attorney

PC/PLNG JJ:cs/jkmr 8/29/2013

STATEMENT OF PURPOSE: This zoning map amendment provides a zoning change from R-2 to MU-N for property described above and the attached map. Area residents have expressed their desire to have better access to greater variety of commercial outlets in their neighborhood. Changing the zoning from R-2 to MU-N would allow for conversions of houses to office or live/work spaces and may include limited commercial space oriented to the neighborhood. Many businesses and multi-family dwellings already exist along balance of West Third Street. Small-scale businesses provide an amenity to a neighborhood, and will contribute to this neighborhood being a more attractive place to live.

On August 13, 2013, the Duluth city planning commission held a public hearing on the proposal. The planning commission 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.
- 2) The proposed MU-N zone district is consistent with the future land use category "Neighborhood Commercial."
- 3) Material adverse impacts on nearby properties are not anticipated.

The motion to approve the rezoning from R-2 to MU-N must prevail with an affirmative vote of 2/3 by the city council.

Date of application: July 11, 2013
Action deadline: Not applicable



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 13-108 (Upper)	Contact	John Judd, jjudd@duluthmn.gov	
Application Type	UDC Zoning Map Amendment	Planning Commission Date	August 13, 2013	
Deadline for Action	Application Date	Not Applicable(N/A)	60 Days	N/A
	Date Extension Letter Mailed	N/A	120 Days	N/A
Location of Subject	Bordered by the alley above 3rd St. to the alley below 3rd St., from N. 24th Ave. W. to N. 28th Ave. W.			
Applicant	City of Duluth	Contact	John Judd, jjudd@duluthmn.gov	
Agent	City of Duluth, Planning Division	Contact	John Judd, jjudd@duluthmn.gov	
Legal Description	See Attached listing of Parcel Numbers, Exhibit A			
Site Visit Date	July 12, 2013	Sign Notice Date	July 30, 2013	
Neighbor Letter Date	July 18, 2013	Number of Letters Sent	301, Neighborhood Mtg. July 30	

Proposal

Rezoning the Upper Lincoln Park area bordered by the Alley above 3rd Street to the Alley below 3rd Street from North 24th Avenue West to North 28th Avenue West; from Urban Residential (R-2) to Mixed-Use Neighborhood (MU-N)

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	Urban Residential (R-2)	Commercial / Residential	Neighborhood Mixed Use
North	Urban Residential (R-2)	Commercial / Residential	Neighborhood Mixed Use
South	Urban Residential (R-2)	Commercial / Residential	Neighborhood Mixed Use
East	Mixed-Use Nbrhd (MU-N)	Residential	Neighborhood Mixed Use
West	Mixed-Use Nbrhd (MU-N)	Residential	Neighborhood 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 213 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 1 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.

A-1

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

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

Governing Principles:

Principle #5 - Strengthen neighborhoods

The present city is an historical amalgam of villages and other independent units of government, contributing to the present condition of Duluth being strongly defined by its neighborhoods. This condition should be reinforced through land use, transportation and public service delivery patterns which strengthen neighborhood identity. New institutional expansions, major public infrastructure or large commercial or industrial uses should not divide historic neighborhood patterns.

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.
- 2) This rezoning will bring the area into compliance with the City's Comprehensive Land Plan-Future Land Use Map category.
- 3) Area residents have expressed their desire to have better access to greater variety of commercial outlets in their neighborhood. Changing the zoning from R-2 to MU-N would allow for conversions of houses to office or live/work spaces and may include limited commercial space oriented to the neighborhood. Many businesses and multi-family dwellings already exist along 3rd St. and continuing to focus neighborhood commercial on 3rd St. will provide synergy. Small-scale businesses provide an amenity to a neighborhood, and will contribute to this neighborhood being a more attractive place to live.
- 4) The MU-N district is established to accommodate a mix of neighborhood-scale, neighborhood serving non-residential uses and a range of residential uses located in-close proximity. This district accommodates both horizontal (uses located in separate structures) and vertical (uses located in the same building) types of mixed use. Non-residential uses may include small-scale retail, service and professional offices that provide goods and services to residents or specialty retail markets.
- 5) The MU-N district allows for the following Permitted Uses: Dwelling, one & two-family, Dwelling, townhouse, Dwelling, multi-family, Dwelling, live-work, Assisted living facility, Co-housing facility, Residential care facility, Rooming house, Bus or transit station, Club or lodge, Government building, Museum, library or gallery, Park, playground, Religious Assembly, Business, art / vocational school, School, elementary, School, middle or high (S), Medical or dental clinic, Nursing home, Veterinarian or animal hospital, Restaurant (sm) with/wo drive through (S), Hotel or motel (S), Bed and breakfast, Theater (S), Office, Funeral Home (S), Personal, Service/repair (sm)(lg-S), Grocery Store (small), Retail store (small), Auto/light vehicle repair/service, Filling station (S)
- 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 17 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 upper Lincoln Park as described in Exhibit A from Urban Residential (R-2) to Mixed Use-Neighborhood (MU-N) be recommended for approval by City Council for the following reasons:

- 1) This proposal is consistent with the Comprehensive Land Use Plan.
- 2) Rezoning to MU-N 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 greater level of public benefit than would be required under the existing R-2 zone district.
- 3) The proposed MU-N zone district is consistent with the future land use category "Neighborhood Mixed Use".
- 4) Material adverse impacts on nearby properties are not anticipated.

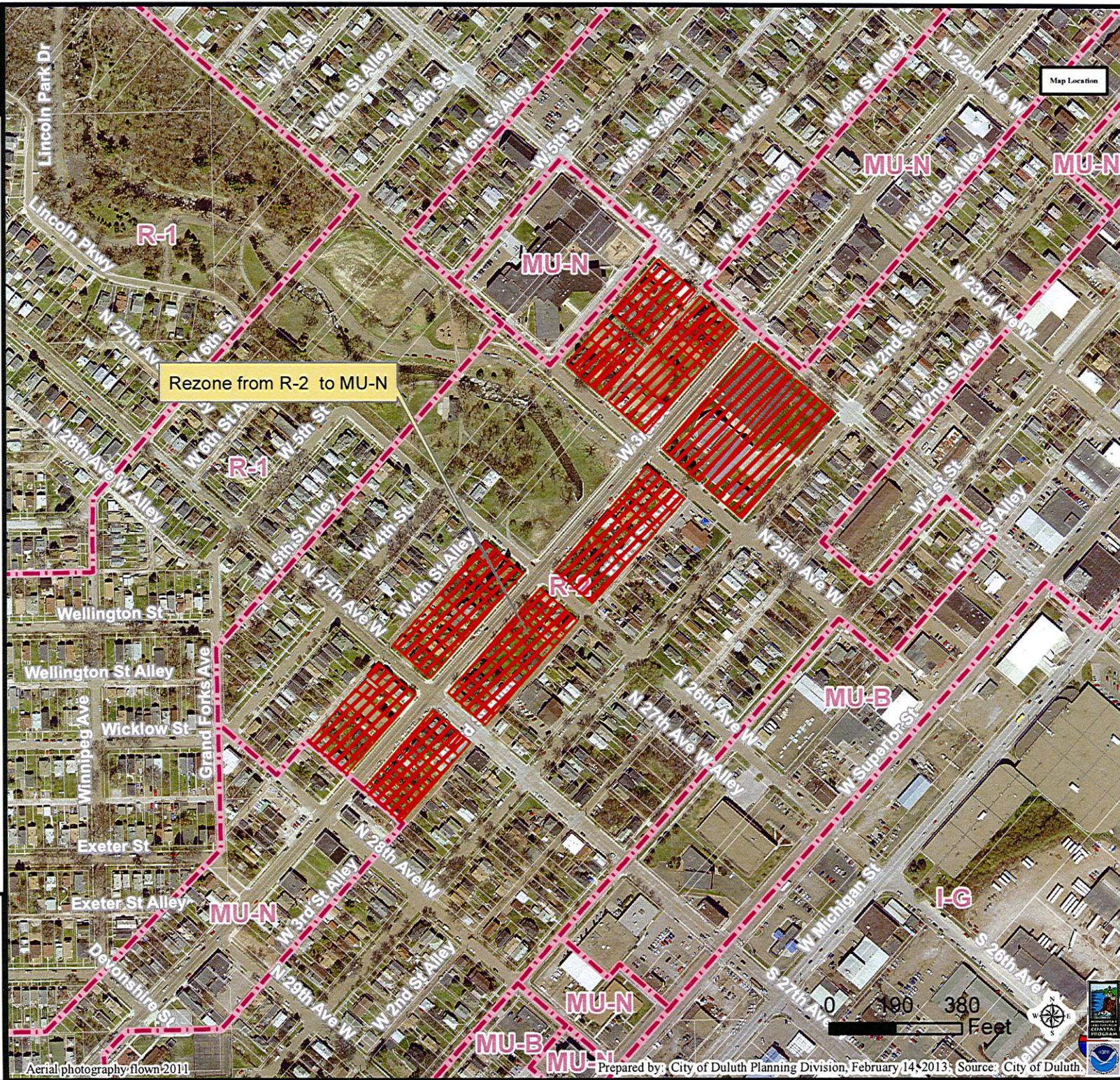
Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)

A-2



City Planning
 PL 13-108
 Proposed Rezoning
 Upper Lincoln Park
 R-2 to MU-N

-  Rezoning Area
-  Zoning (Final)



Rezone from R-2 to MU-N

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.

A-2

Aerial photography flown 2011

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



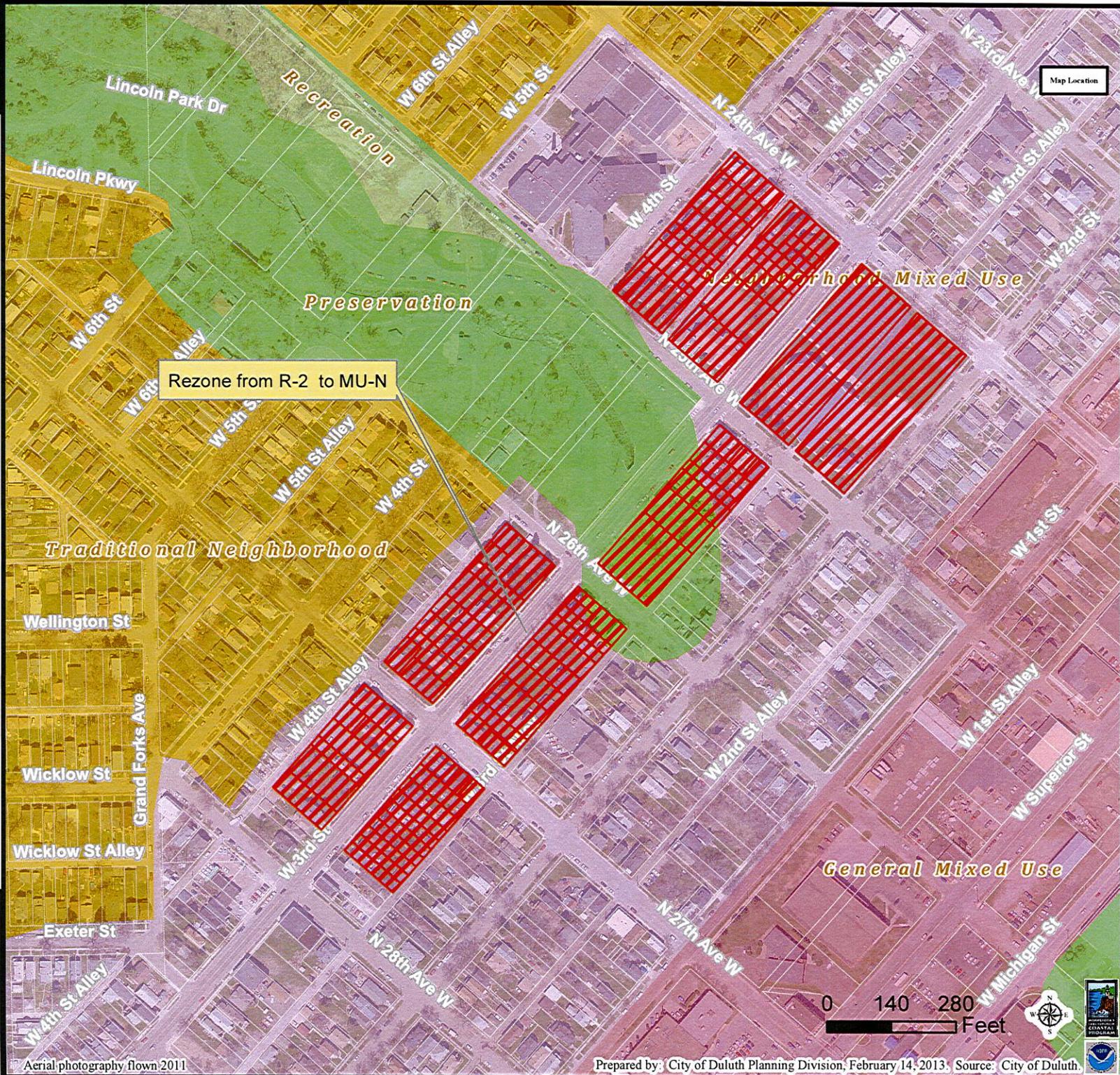
City Planning
PL 13-108
Proposed Rezoning
Upper Lincoln Park
R-2 to MU-N



Rezoning Area

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
- Transportation and Utilities



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AH

Aerial photography flown 2011

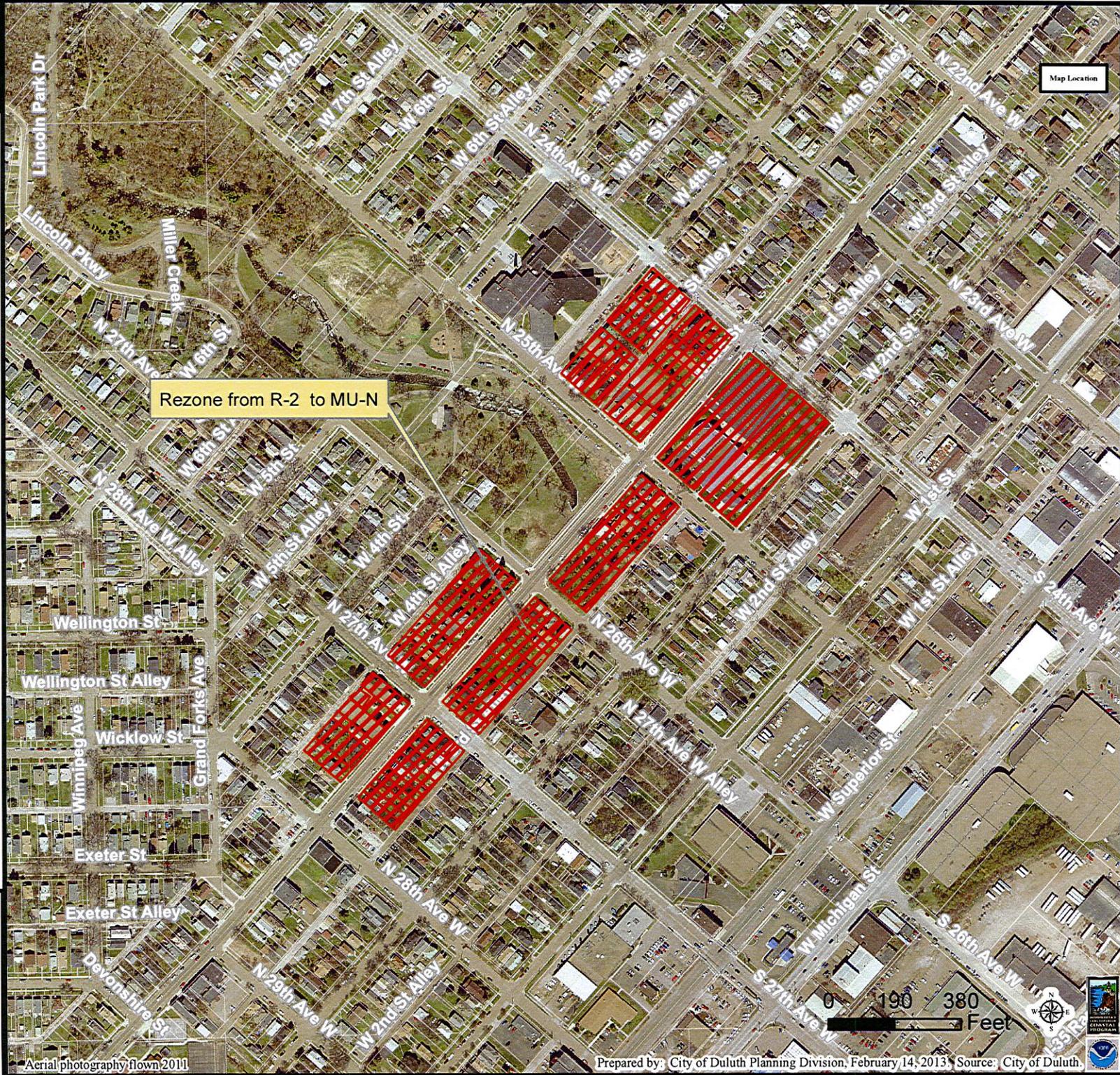


Prepared by: City of Duluth Planning Division, February 14, 2013. Source: City of Duluth.



City Planning
 PL 13-108
 Proposed Rezoning
 Upper Lincoln Park
 R-2 to MU-N

 Rezoning Area



Rezone from R-2 to MU-N

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Aerial photography: flown 2011



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

Exhibit A: PL 13-108, Lincoln Park (upper area) Rezoning Parcel Numbers

010-1180-01560	010-1180-01750	010-1140-04260	010-1140-03730	010-1140-04010
010-1180-01570	010-1180-01840	010-1140-04250	010-1140-03710	010-1140-04000
010-1180-01580	010-1180-01800	010-1140-04240	010-1140-03700	010-1140-03990
010-1180-01630	010-1180-01820	010-1140-04270	010-1140-03690	010-1140-03980
010-1180-01620	010-1180-01780	010-1140-04310	010-1140-03685	010-1180-02430
010-1180-01610	010-1180-01770	010-1140-04290	010-1140-03680	010-1180-02435
010-1180-01585	010-1180-01775	010-1140-04280	010-1140-03670	010-1180-02440
010-1180-01650	010-1180-02150	010-1140-04330	010-1140-04120	010-1180-02450
010-1180-01670	010-1180-02140	010-1140-04520	010-1140-04110	010-1180-02460
010-1180-01700	010-1180-02080	010-1140-04360	010-1140-04090	010-1180-02480
010-1180-01710	010-1180-02090	010-1140-03790	010-1140-04070	010-1180-02490
010-1180-01690	010-1180-02120	010-1140-03780	010-1140-04060	
010-1180-01730	010-1180-02110	010-1140-03770	010-1140-04050	
010-1180-01740	010-1180-02180	010-1140-03760	010-1140-04040	
010-1180-01720	010-1180-02160	010-1140-03750	010-1140-04030	
010-1180-01760	010-1180-02190	010-1140-03740	010-1140-04020	



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

A-7

John Judd

From: Craig Carlson <Craig@carlsonduluth.com>
Sent: Friday, July 19, 2013 9:26 AM
To: John Judd
Subject: lower lincoln park re-zoning

John
I own the building at 2901 Helm St and received your letter today regarding the re-zoning.

Who is requesting the zoning change and for what reason?

Thank you

Craig Carlson

Carlson Duluth Co.
Plumbing-Heating-Air Conditioning-Excavating
2901 Helm St
Duluth MN 55806
218-727-0063 Office
218-348-0287 Cell
218-727-4081 Fax
Generation After Generation

A-8

John Judd

From: Tracy Robertson <Tracy01@lakeregionstorage.com>
Sent: Wednesday, July 31, 2013 12:11 PM
To: John Judd
Subject: Question about zoning

John,

The letter was very informative and I was unable to attend the meeting last night. The owner of our company's major concern at this time is how will this affect our property taxes? We already pay a very high rate on property that has a fairly stagnant income due to the nature of our business.

Could you please provide any insight into this for us?

Appreciatively,

Tracy Robertson
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