

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

14-025-O

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

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM R-1 TO MU-I FOR THE PROPERTY LOCATED AT 2501 RICE LAKE ROAD LAYING SOUTH OF WEST ARROWHEAD ROAD, EAST OF NORTH ARLINGTON ROAD, AND WEST OF RICE LAKE ROAD (SAINT LOUIS COUNTY).

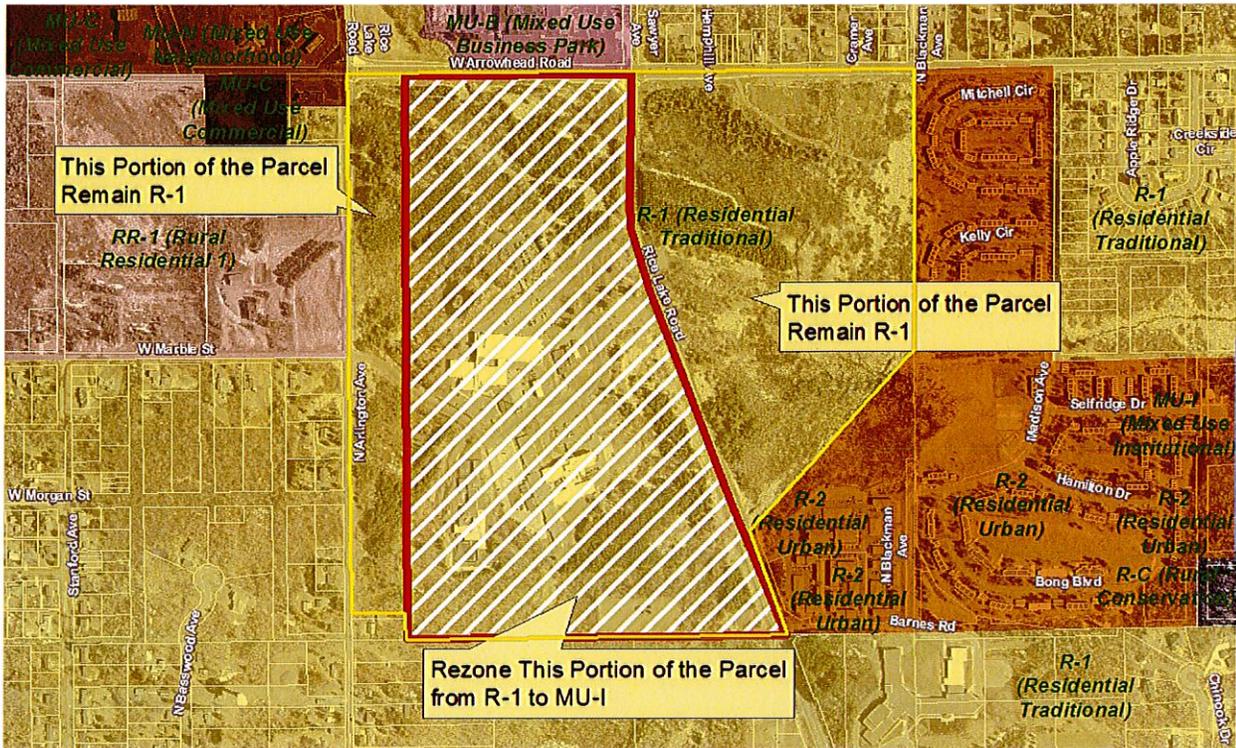
CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That the approximately 95 acres of the subject property of parcel 010-2710-03940 located at 2501 Rice Lake Road (formerly known as the Saint Louis County Poor Farm) and as more particularly described in Exhibit A and by the following:

NW1/4 EX PART BEG AT SE COR THENCE WLY 599.85 FT TO E LINE OF RICE LAKE ROAD THENCE NWLY ALONG SAID ROAD 515 FT THENCE NELY 1142.30 FT TO NE COR OF SE1/4 OF NW1/4 THENCE SLY 1314.62 FT TO PT OF BEG & EX W 253 FT, S16-T50N-R14W, and excepting the portions of the parcel east of Rice Lake Road, be reclassified from R-1 to MU-I.

Section 2. 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:

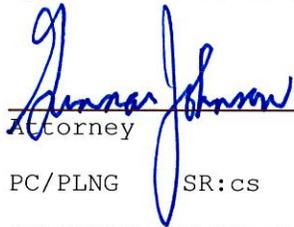


(Ref. File No. 14-015)

Section 3. That this ordinance shall take effect 30 days after its passage

and publication.

Approved as to form:

  
\_\_\_\_\_  
Attorney

PC/PLNG SR:cs 5/2/2014

STATEMENT OF PURPOSE: This zoning map amendment provides a zoning change from R-1 to MU-I for the property located at 2501 Rice Lake Road (formerly known as the Saint Louis County Poor Farm).

On Wednesday April 30, 2014, 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 with modifications for the following reasons:

- 1) This proposal is consistent with the Comprehensive Land Use Plan.
- 2) The proposed MU-I zone district is consistent with the future land use category "Institutional".
- 3) Material adverse impacts on nearby properties are not anticipated.

The planning commission recommended the city council modify the rezoning requested by the applicant to rezone the main campus on the applicants property only and exclude the portions of the parcel located to the east of Rice Lake Road. This is because the future land use designation is a combination of Preservation and Institutional and there is a significant amount of land that is considered environmentally sensitive to intensive development (wetlands and flood plains).

Two ordinances are being submitted for city council review; one ordinance that puts forward the planning commission recommendation, and one that puts forward the applicant's request.

The applicant did not submit written consent of 2/3 of property owners within 100 feet of the property to be rezoned. The motion to approve the rezoning from R-1 to MU-I must prevail with an affirmative vote of 2/3 by the city council.

Date of application: March 3, 2014

Action deadline: July 1, 2014



**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 14-015	<b>Contact</b>	Steven Robertson	
<b>Application Type</b>	UDC Map Amendment	<b>Planning Commission Date</b>	April 8, 2014	
<b>Deadline for Action</b>	<b>Application Date</b>	March 3, 2014	<b>60 Days</b>	
	<b>Date Extension Letter Mailed</b>	March 19, 2014	<b>120 Days</b>	
<b>Location of Subject</b>	2501 Rice Lake Road			
<b>Applicant</b>	St. Louis County	<b>Contact</b>	mancusot@stlouiscountymn.gov	
<b>Agent</b>	Scott Smith	<b>Contact</b>	smiths@stlouiscountymn.gov	
<b>Legal Description</b>	See attached			
<b>Site Visit Date</b>	March 29, 2014	<b>Sign Notice Date</b>	March 25, 2014	
<b>Neighbor Letter Date</b>	March 26, 2014	<b>Number of Letters Sent</b>	101	

**Proposal**

Applicant is requesting rezoning of 2501 Rice Lake Road (current site of the Chris Jensen Nursing Home and Public Safety Facility and known in the past as the Saint Louis County Poor Farm) from R-1 to MU-I. According to the applicant, "rezoning to MU-I will bring these uses into compliance with the UDC and will make the property consistent with the comprehensive land use plan".

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Public	Institutional, Preservation
<b>North</b>	MU-B, RR-1	Industrial, Residential	Traditional Neighborhood, Light Industrial
<b>South</b>	R-1	Residential	Presevation, Low-Density Neighborhood
<b>East</b>	R-2	Residential	Urban Residential
<b>West</b>	R-1, RR-1, MU-C	Residential	Low-Density Neighborhood, Neighbord M. Use

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

50-15.4.D. Planning Commission Approval Required (note: district plan option described in sub 2, planning review option described in sub 3).

1. A planning review by the planning commission, pursuant to the procedures in Article 5, shall be required for all development and redevelopment, unless the applicant chooses to use the District Plan Option described below. Development may not proceed until the planning commission has approved the project through planning review or the District Plan Option.
2. Any proposed rezoning of land from an R district into the MU-I district shall require the preparation of a plan addressing how traffic, parking, and view impacts from the proposed redevelopment will be minimized for those lands on nearby R district properties or mitigated within existing MU-I lands, and planning review shall be based on that plan. The plan shall include any land and facilities within the current MU-I district that will be used to support the use or development of the property to be rezoned, and shall demonstrate how the rezoned and existing institutional properties will functionally relate in terms of parking, circulation, noise, visual impacts, and other applicable development standards.
3. Applicants that do not opt for approval of a district plan shall obtain separate approval for each future expansion or development project through the planning review procedures pursuant to 50-37.11 which may include requirements for special use permits or variances. Such approval will require review of vehicle circulation and building scale.

1-7

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

\*Preservation Future Land Use: Lands with substantial restrictions. High natural resource or scenic value, or severe development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls. Examples include: most city parklands and primary viewsheds; shorelands of lake, rivers, streams; wetlands and floodplains; high-value habitat; low-intensity private or public uses.

\*Institutional Future Land Use: Applicable to university and college and public school campuses, large religious facilities or governmental campuses, cemeteries, etc. Applies primarily to existing facilities. Relationship to institutional master plans, which should guide expansions and ancillary land uses in adjacent land areas.

\*Current History: The applicant is working with the City to dedicate a street easement to the city (currently it is a private road); the City Council accepted a 66 foot wide street easement from the Count on March 10, 2014. There are future plans for a subdivision of this parcel, and a new nursing facility in the SE corner of property accessing Rice Lake Road.

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

- 1) Applicant is requesting rezoning of 2501 Rice Lake Road (current site of the Chris Jensen Nursing Home and Public Safety Facility and known in the past as the Saint Louis County Poor Farm) from R-1 to MU-I.
- 2) The eastern half of the property to be rezoned has a significant amount of property impacted by wetlands or flood plains. A portion of this property has the "Preservation" future land use designation (typical zoning designation is R-C)
- 3) The applicant wants to leave a 233 feet strip of the property along North Arlington Road as R-1. The applicant anticipates potential future residential development along the corridor. Approximately half of this strip has the "Low Density Neighborhood" designation (typical zoning designation RR-2) and the other half, near Arrowhead, has the "Neighborhood Mixed Use" designation (typical zoning designation MU-N).
- 4) The applicant has submitted consent petitions signed by about 1/3 of the property owners within 100 feet of the property to be rezoned. Because it is short of the 2/3 required, this will require a super majority vote of the city council to approve it (as opposed to the standard requirement of a simple majority vote).
- 5) The MU-I zone district allows significantly more permitted and special uses than the R-1 zone, such as: nursing home, government building or public safety facility, restaurant, office, bank, hospital, and manufacturing light. The MU-I zone does not allow, however, single or two family dwellings. All uses in the MU-I require plan review.
- 6) 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 else be considered arbitrary and capricious.
- 7) Good zoning practice requires that zone districts be consistent with the future land use category identified for the area. This application is reasonably related to the future land uses in the Comprehensive Land Use Plan.
- 8) No negative impacts to the surrounding area are anticipated on the western portion of the parcel (current Law Enforcement Center campus). There may be impacts with development on the eastern portion of the parcel, as the area is considered to be a sensitive environment (wetlands, shoreland, and floodplain), and is adjacent to significant existing residential development.
- 9) No City, agency, or public comments have been received.
- 10) Upon receipt of the planning commission recommendation, the council shall make a decision to adopt, adopt with modifications, or deny the rezoning application.

**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 UDC Map Amendment from R-1 to MU-I for the western portion of the parcel (between Rice Lake Road and North Arlington) with the exception of the 233 foot strip directly adjacent to North Arlington, for the following reasons:

- 1) This proposal is consistent with the Comprehensive Land Use Plan.
- 2) The proposed MU-I zone district is consistent with the future land use category "Institutional".
- 3) Material adverse impacts on nearby properties are not anticipated.

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

C-2

### Legend

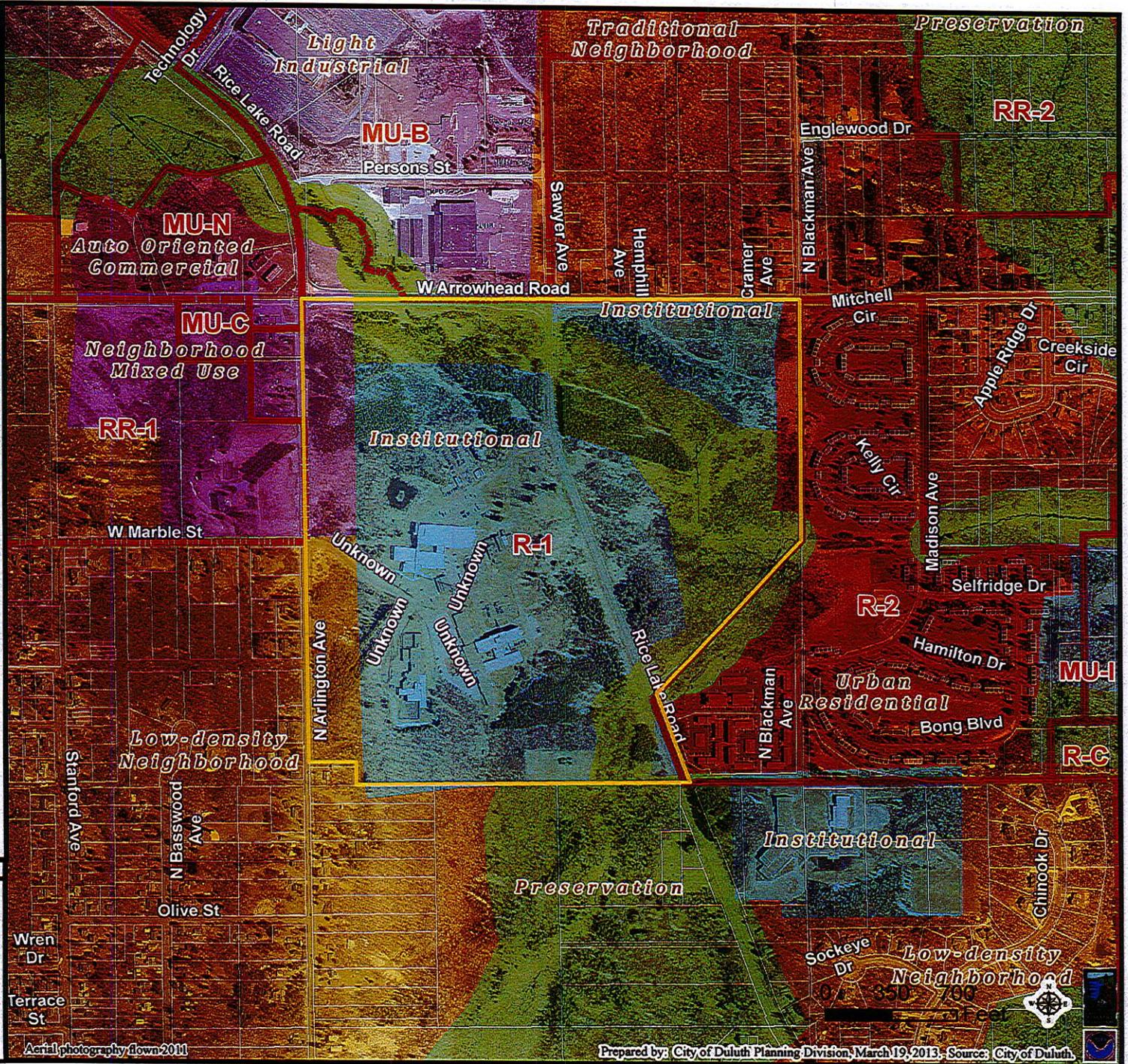
**Zoning Boundaries**  
 Zoning Boundaries

**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

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.

*C-3*



Aerial photography flown 2011



**Legend**

**Right-of-Way Type**

- ..... Road or Alley ROW
- ▨ Vacated ROW

**Easement Type**

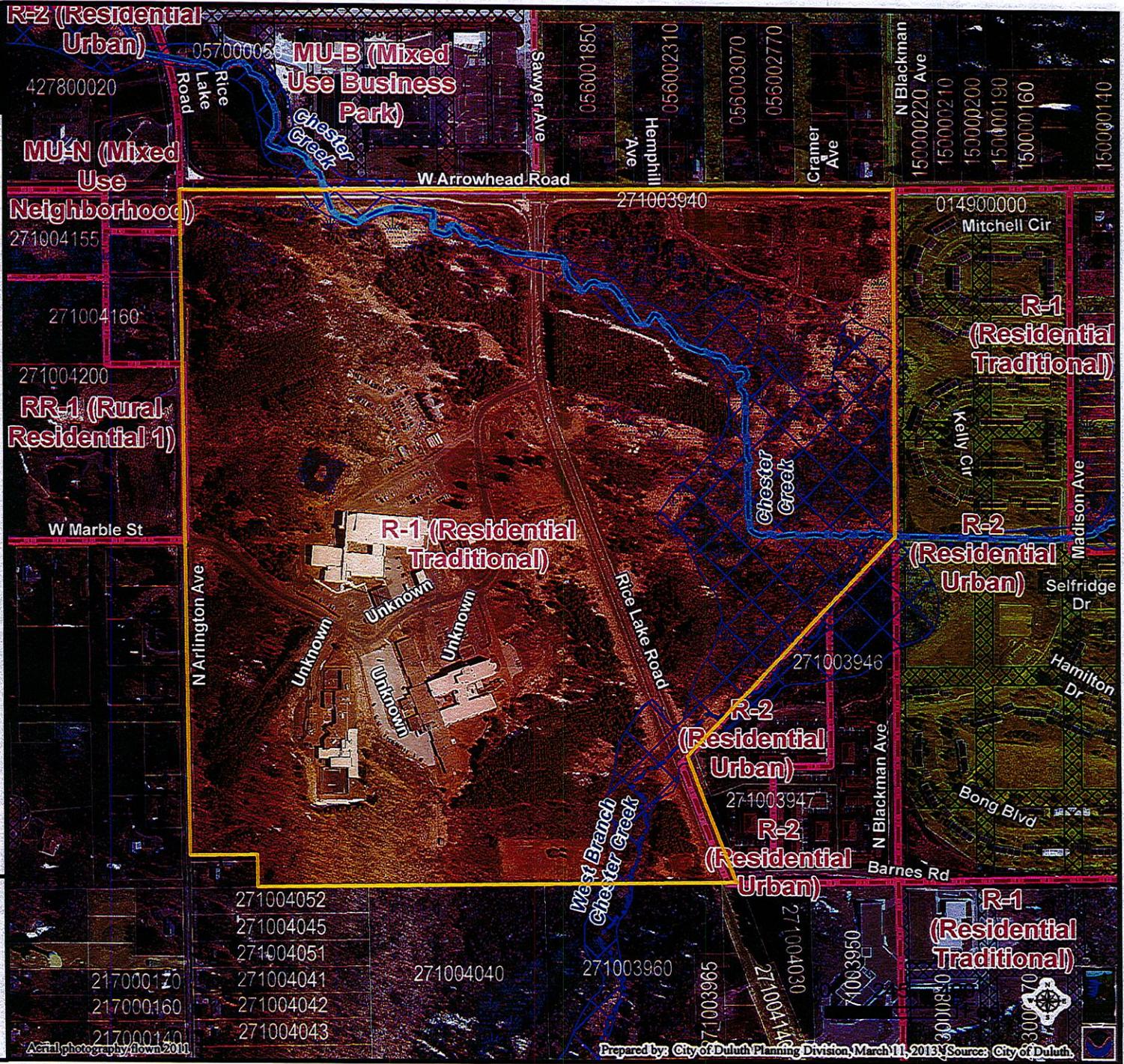
- ▤ Utility Easement
- ▥ Other Easement

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*CE 100 C-4*

Aerial photography flown 2011

Prepared by: City of Duluth Planning Division, March 19, 2013. Source: City of Duluth.



**Legend**

- Trout Stream (GPS)
- Other Stream (GPS)
- Wetlands (NRRI)
- Vacated ROW
- Zoning (Final)

**Floodplain Type**

- General Flood Plain
- Flood Way
- Flood Fringe

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C-05

Aerial photography flown 2011

Prepared by: City of Duluth Planning Division, March 11, 2013; Source: City of Duluth



C-26



# Saint Louis County

Property Management Department • Duluth Courthouse, 100 North 5<sup>th</sup> Ave. W., Room 2  
Duluth, MN 55802-1209 • Phone: (218) 725-5085 • Fax: (218) 725-5086  
Email: [mancusot@stlouiscountymn.gov](mailto:mancusot@stlouiscountymn.gov)

**Tony Mancuso**  
Director

February 12, 2014

Dear *txname*,

You received this notice because you own property within 100 feet of the boundary of a zoning proposal by the St. Louis County Department of Property Management. The department is requesting to have the property occupied by city and county public safety facilities and the Chris Jensen Health & Rehabilitation Center rezoned from R1, Residential-Traditional, to MU-I, Mixed Use Institutional to more accurately reflect its current and long-term use. If approved by the Duluth City Council, the new zoning will make the existing uses compliant with the city's Uniform Development Code (UDC) and will accommodate future uses envisioned by the city's Comprehensive Land Use Plan.

Please see the attached map of the area proposed to be rezoned. The area is legally described as:

The northwest one quarter except that part beginning at the southeast corner thence westerly 599.85 feet to the east line of Rice Lake Road thence northwesterly along said road 515 feet thence northeasterly 1142.30 feet to the northeast corner of the southeast one quarter of the northwest one quarter thence southerly 1314.62 feet to the point of beginning and except the west 253 feet, section 16, township 50 north, range 14 west.

Also find enclosed a zoning map amendment petition along with a self-addressed stamped envelope for your convenience. We will appreciate your signature in support of our proposal. If your property has multiple owners, all owners must sign. Please return the petition by Friday, February 28, 2014. We would also like to hear from you if you have questions or concerns. Call me at 218-725-5085, or send e-mail to [mancusot@stlouiscountymn.gov](mailto:mancusot@stlouiscountymn.gov). I look forward to hearing from you.

Sincerely,

Tony Mancuso

# CITY OF DULUTH ZONING MAP AMENDMENT PETITION

File No. \_\_\_\_\_

Date Feb 12, 2014

### Section I

We, the undersigned property owners petition to reclassify from R1 to

MU-I

the following legally described property: NW1/4 EX

PART BEG AT SE COR THENCE WLY 599.85 FT TO E LINE OF RICE LAKE ROAD THENCE NWLY ALONG SAID ROAD 515 FT THENCE NELY 1142.30 FT TO NE COR OF SE1/4 OF NW1/4 THENCE SLY 1314.62 FT TO PT OF BEG & EX W 253 FT, S16-T50N-R14W

### Section II

Attach a map of the area described above.

### Section III

We believe that this rezoning will be in the public interest because the current use of the property for the administration of public safety and for nursing care are important to the community.

### Section IV

**Petitioners: Owners of property requested to be rezoned (all property owners must sign)**

NAME

ADDRESS

Phone #/Fax #/Email

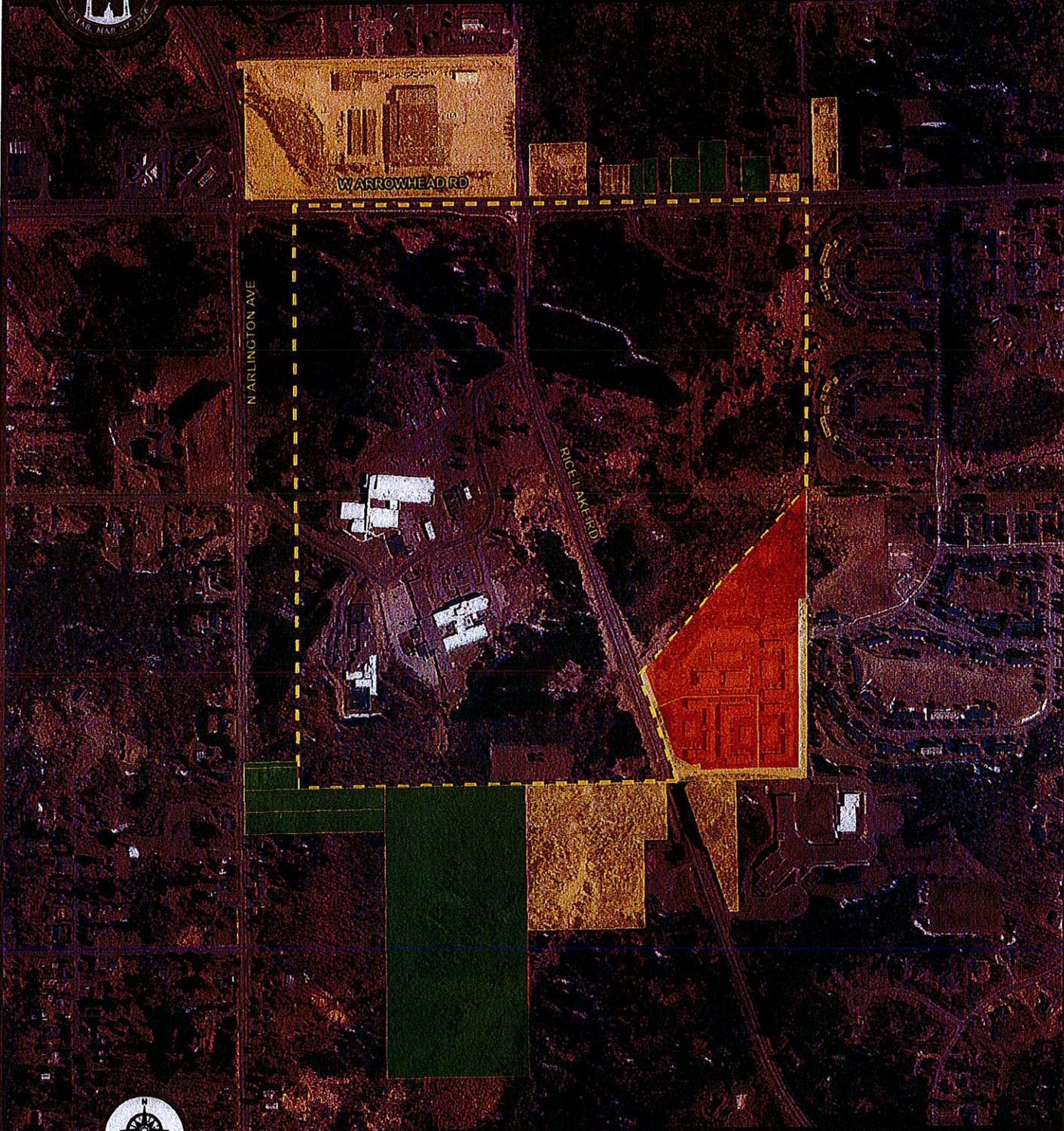
response  
10/32  
signed

C-8



# Proposed UDC (zoning) Map Amendment

## R-1, Residential-Traditional, to MU-I, Mixed Use Institutional



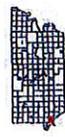
Prepared By: St. Louis County  
Land & Minerals Department

Source: St. Louis County, Minnesota

Map Created: 2/28/2014

Disclaimer: This is a compilation of records as they appear in the St. Louis County Offices affecting the area shown. This drawing is to be used only for reference purposes and the County is not responsible for any inaccuracies herein contained.

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stlouiscountyminn.gov



-  Did not respond
-  Signed the petition
-  Undeliverable
-  Voiced concerns
-  Rezoning boundary -- Approximately 130 acres

C-9

**Uses Allowed in Mixed Use-Institutional (MU-I) Zone District  
Revised March 21, 2014**

Permitted Uses

- Dwelling, multi-family
- Dwelling, live-work
- Residential care facility/assisted living (7 or more)
- Rooming house
- Bus or rail transit station
- Club or lodge (private)
- Government building or public safety facility
- Park, playground, or forest reserve
- Religious assembly, small (less than 50,000 sq. ft.)
- Religious assembly, large (50,000 sq. ft. or more)
- Business, art, or vocational school
- University or college
- Hospital
- Medical or dental clinic
- Nursing home
- Other institutional support uses not listed in this table
- Veterinarian or animal hospital
- Personal service and repair, small (less than 10,000 sq. ft.)
- Personal service and repair, large (10,000 sq. ft. or more)
- Retail store not listed, small (less than 15,000 sq. ft.)
- Parking lot or parking structure (primary use)
- Research laboratories
- Restaurant (less than 5,000 sq. ft.)
- Restaurant (5,000 sq. ft. or more)
- Hotel or motel
- Bed and breakfast
- Bank
- Office
- Data center
- Preschool
- Day care facility, small (14 or fewer)
- Day care facility, large (15 or more)
- Funeral home or crematorium
- Manufacturing, light

Special or Interim Uses

- Cemetery or mausoleum
- Kennel
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Solar, geothermal, or biomass power facility (primary use)
- Water or sewer treatment facilities
- Wind power facility (primary use)
- Recycling collection point (primary use)

C-10

**Uses Allowed in Residential-Traditional (R-1) Zone District  
Revised March 21, 2014**

Permitted Uses

- Dwelling, one-family
- Dwelling, two-family
- Residential care facility/assisted Living (6 or fewer)
- Park, playground or forest reserve
- School, elementary
- Agriculture, urban
- Day care facility, small (14 or fewer)

Special or Interim Uses

- Dwelling, townhouse
- Manufactured Home Park
- Co-housing facility
- Residential care facility/assisted living (7 or more)
- Cemetery or mausoleum
- Government building or public safety facility
- Museum, library, or art gallery
- Religious assembly, small
- Religious assembly, large
- School, middle or high
- Bed and breakfast
- Preschool
- Day care facility, large (15 or more)
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Water or sewer pumping stations/reservoirs

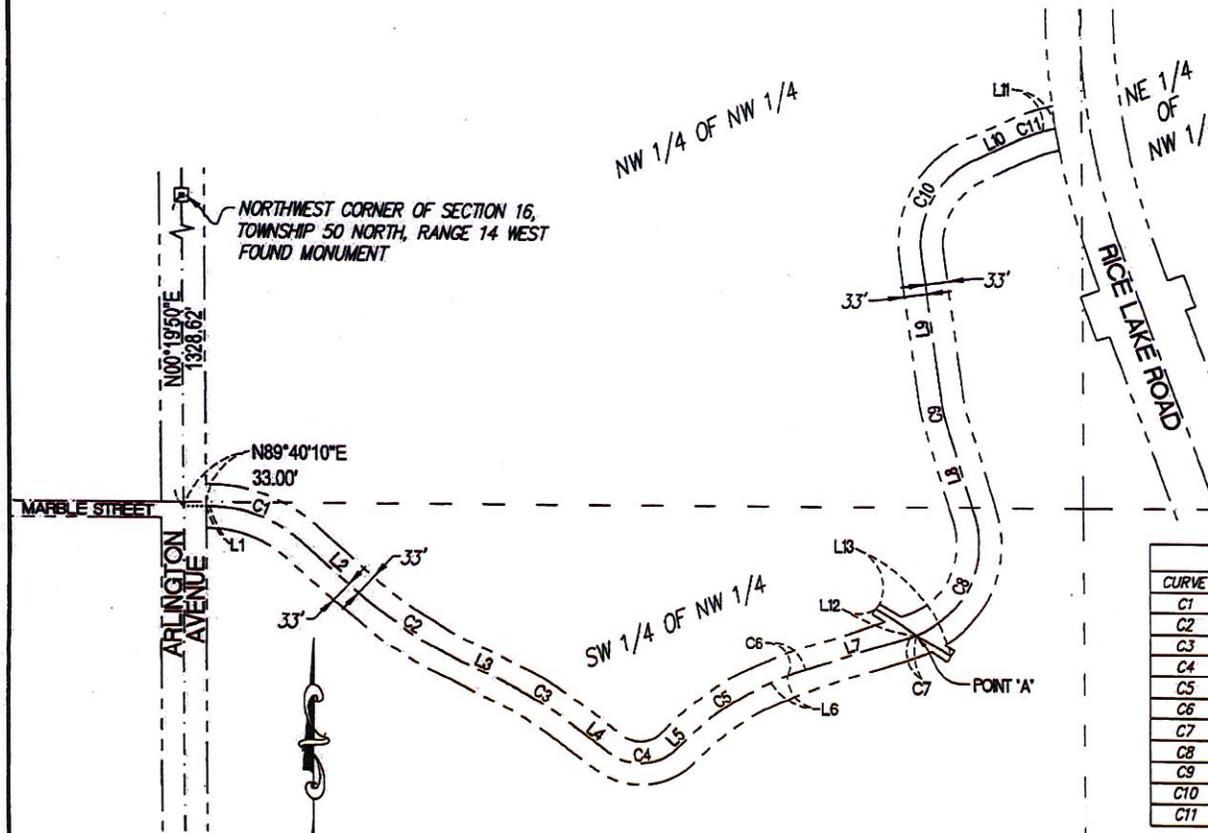
Interim Uses

- Vacation dwelling unit
- Accessory vacation dwelling unit

C-11

# EXHIBIT

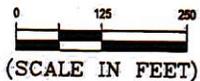
Prepared for City of Duluth



LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°59'51"E	5.08'
L2	S47°57'23"E	126.37'
L3	S63°36'47"E	74.93'
L4	S52°13'45"E	71.55'
L5	N44°41'51"E	25.99'
L6	N65°55'56"E	26.10'
L7	N71°25'26"E	163.35'
L8	N16°58'32"W	136.90'
L9	N07°46'13"W	212.85'
L10	N65°04'44"E	75.78'
L11	N74°31'53"E	19.70'
L12	N57°15'19"W	72.00'
L13	S57°15'19"E	132.00'

CURVE TABLE				
CURVE	RADIUS	CENTRAL ANGLE	ARC LENGTH	CHORD BEARING
C1	200.00'	42°02'46"	146.77'	S68°58'46"E
C2	600.00'	15°39'24"	163.96'	S55°47'05"E
C3	600.00'	11°23'02"	119.21'	S57°55'16"E
C4	75.00'	83°04'24"	108.74'	N86°14'03"E
C5	400.00'	21°14'05"	148.25'	N55°18'53"E
C6	300.00'	5°29'30"	28.75'	N68°40'41"E
C7	150.00'	4°02'36"	10.59'	N69°24'08"E
C8	150.00'	84°21'22"	220.84'	N25°12'09"E
C9	300.00'	9°12'19"	48.20'	N12°22'22"W
C10	140.00'	72°50'57"	178.00'	N28°39'16"E
C11	200.00'	9°27'09"	33.00'	N69°48'19"E

REVISED: 12/28/14 addressing scrivners & rounding error in Line Table for L9 & L11



Basis of Bearing is Grid North,  
St. Louis County Transverse  
Mercator 96 Coordinate System.

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Print Name: Paul A. Vogel License # 44075

Signature: *Paul A. Vogel* Date: 02/28/2014

REVISED: 12/14/12  
DATE PREPARED: 11/26/12  
PROJ NO: 080321  
FILE: 080321vESMT-  
SHEET 1 of 1 SHEETS

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