



**CITY OF DULUTH**  
 Planning Division

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**STAFF REPORT**

<b>File Number</b>	PL 14-124	<b>Contact</b>	John Judd, jjudd@duluthmn.gov	
<b>Application Type</b>	Rezone properties from I-W to R-1	<b>Planning Commission Date</b>	October 14, 2014	
<b>Deadline for Action</b>	<b>Application Date</b>	September 9, 2014	<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 between Minnesota Avenue and St. Louis Avenue, From 13th Street South to 15th Street South			
<b>Applicant</b>	City of Duluth, Planning Division	<b>Contact</b>	John Judd, jjudd@duluthmn.gov	
<b>Agent</b>	John Judd, jjudd@duluthmn.gov	<b>Contact</b>	John Judd, jjudd@duluthmn.gov	
<b>Legal Description</b>	See Attached			
<b>Site Visit Date</b>	September 18, 2014	<b>Sign Notice Date</b>	September 30, 2014	
<b>Neighbor Letter Date</b>	September 30, 2014	<b>Number of Letters Sent</b>	43	

**Proposal**

The Duluth City Planning Division proposes to rezone land on Park Point from Industrial-Waterfront (I-W) to Residential-Traditional (R-1) specifically those lots on the east side of St. Louis Avenue, between 13th Street South and 15th Street South.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	Industrial-Waterfront (I-W)	Undeveloped	Residential-Traditional (R-1)
<b>North</b>	Industrial-Waterfront (I-W)	US Coast Guard	Transportation & Utilities
<b>South</b>	Residential-Traditional (R-1)	Residential & undeveloped	Residential-Traditional (R-1)
<b>East</b>	Residential-Traditional (R-1)	Residential	Residential-Traditional (R-1)
<b>West</b>	Industrial-Waterfront (I-W)	Undeveloped	Parks and Open Space (P-1)

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

Section 50-37.3 Unified 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, 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 following provisions shall apply after the initial adoption of the zoning map reflecting the zone district consolidations reflected in this UDC. In addition, 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 reasonable 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.

III. A-1

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

The Comprehensive Plan Future Land Use Map indicates Traditional Neighborhood (R-1) as the land use category for this property. A Traditional Neighborhood is characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home-businesses. Parks and openspace areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects and neighborhood extensions, and new traditional neighborhood areas.

**1. Governing Principles:**

- Principle #5 Strengthen neighborhoods
- Principle #6 Reinforce the place-specific

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

- 1) The Minnesota Municipal Planning Act (State Statute Chapter 462) 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) When the UDC went into effect, in November of 2010, all existing zone districts converted into new zone districts per the categories described in the UDC. However, there are several areas of the city where existing zoning is inconsistent with the Comprehensive Land Use Plan. This portion of Park Point which converted from Industrial-Waterfront to a Traditional Neighborhood district is an example one of those inconsistencies. The rezoning of this area to Residential-Traditional (R-1) will bring the subject property into compliance with the City's Comprehensive Land Use Plan.
- 3) The Residential-Traditional (R-1) district is established to accommodate traditional neighborhoods of single family detached residences, duplexes and townhouses on moderately sized lots. This district is intended to be used primarily in established neighborhoods. Many of the dimensional standards in this district require development and redevelopment to be consistent with development patterns, building scale, and building location of nearby areas.
- 4) The proposed Residential-Traditional (R-1) district allows the following: Permitted Uses: Dwelling, one-family; Dwelling, two-family; Residential Care Facility (six or fewer), Park/Playground, School, elementary, Nursing Home, Agriculture, urban and Special Uses: Dwelling, townhouse; Assisted Living Facility (elderly); Co-housing Facility; Residential Care Facility (seven or more), Bed and Breakfast, Day Care Facility.
- 5) Comments from neighbors, public agencies and City departments: None from public or private agencies. (see attached neighbors and/or other interested parties)

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

Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning from Industrial-Waterfront (I-W) to Residential-Traditional (R-1) from those lots on the east side of St. Louis Avenue, between 13th Street South and 15th Street South.

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



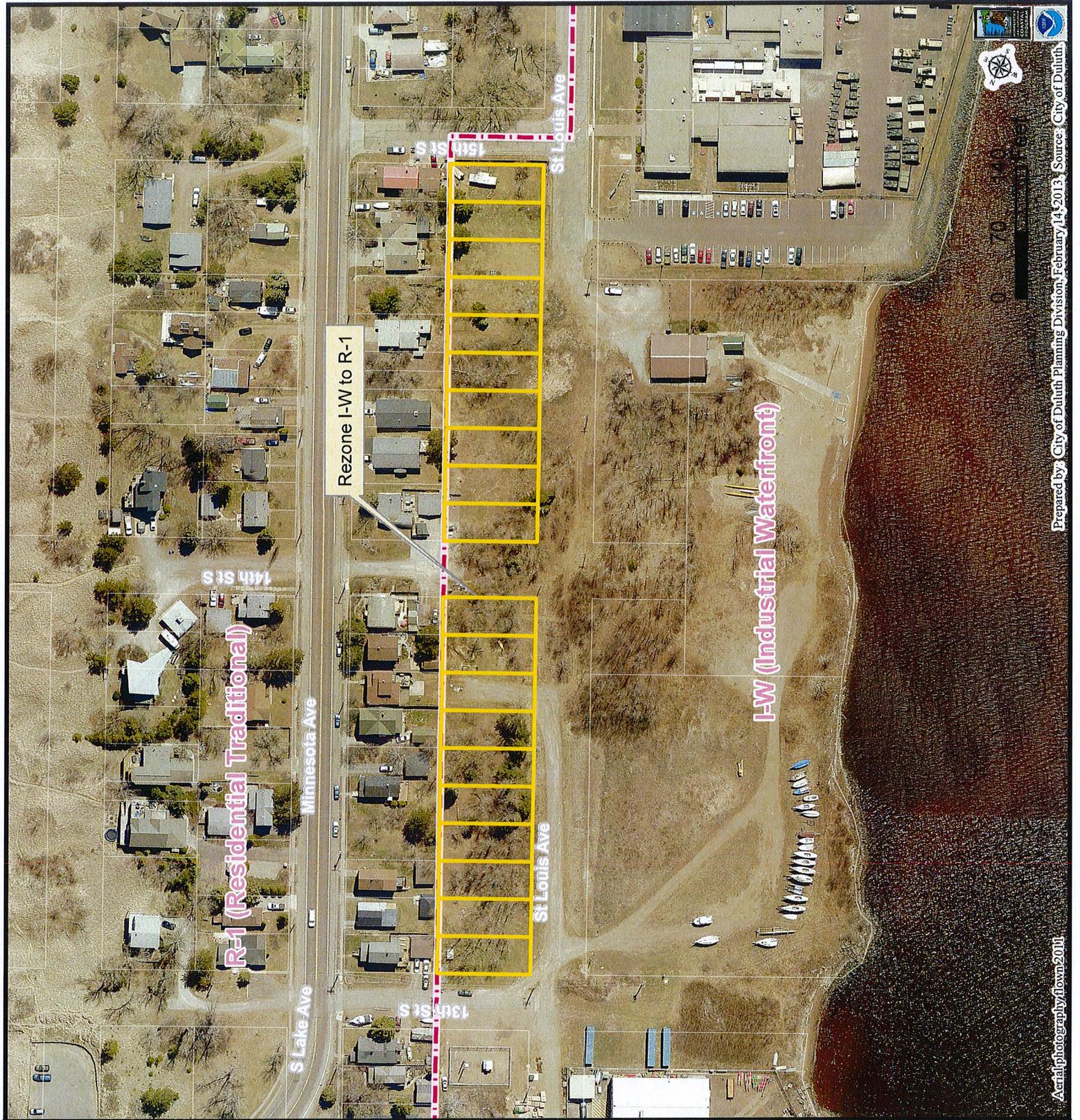
**City Planning**  
 PL 14-124  
 Rezone I-W to R-1  
 Zoning Map

**Legend**

Zoning (Final)



Rezone I-W to R-1

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Aerial photography from 2011

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





# City Planning

PL 14-124

Rezoning I-W to R-1

FLU Map



Rezoning I-W to R-1

## Legend

### 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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# City Planning

PL 14-124

Rezoning I-W to R-1

Utility Map

Rezone I-W to R-1



## Legend

### Water Distribution System

- 30 - 60" Water Pipe
- 16 - 24" Water Pipe
- 4 - 6" Water Pipe

### Sanitary Sewer Collection System

- Sanitary Sewer Collector
- Sanitary Sewer Interceptor
- Sanitary Sewer Forced Main

- Storage Basin
- Pump Station

### Gas Distribution Main

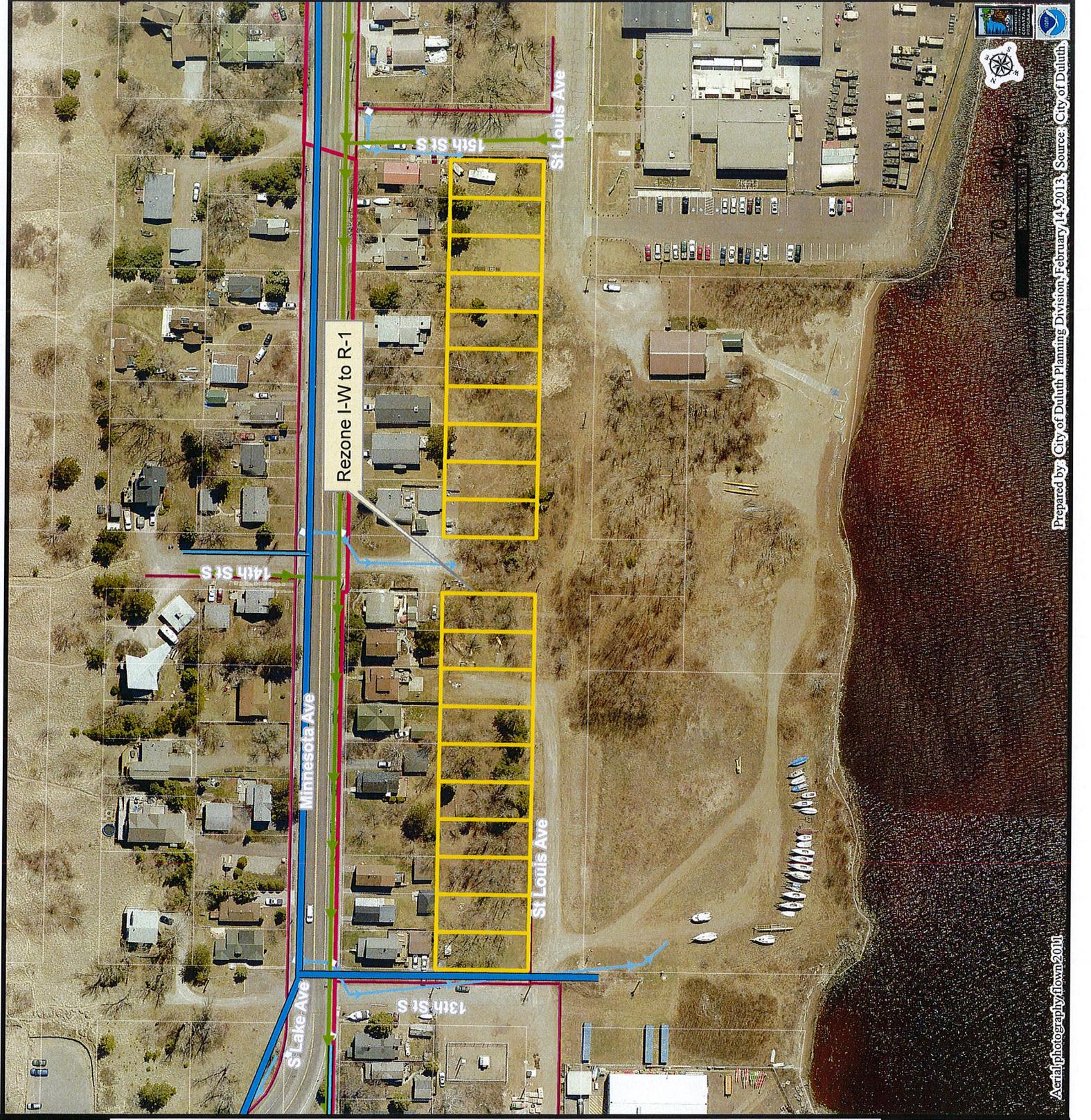
- 8" - 16" Gas Pipes
- 4" - 6" Gas Pipes
- 0" - 4" Gas Pipes

### Storm Sewer Collection System

- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Discharge Points

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**Legal Description, PL 14-124**

Area between Minnesota Avenue and St. Louis Avenue,

From 13th Street South to 15th Street South

Lots 81, 83, 85, 87, 89, 91, 93, 95, 97, 99, 101, 103, 105, 107, 109, 111, 113, 115,  
117, and 119 of Upper Duluth Minnesota Avenue according to the recorded plat thereof  
in St. Louis County, Minnesota

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