



CITY OF DULUTH

Planning Division

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STAFF REPORT

File Number	PL 14-180	Contact	John Kelley, jkelley@duluthmn.gov	
Application Type	UDC Map Amendment	Planning Commission Date	January 13, 2015	
Deadline for Action	Application Date	N / A	60 Days	N / A
	Date Extension Letter Mailed	N / A	120 Days	N / A
Location of Subject	Campus Park- located on east side of Rice Lake Road and north of Barnes Road.			
Applicant	City of Duluth	Contact	John Kelley, jkelley@duluthmn.gov	
Agent	Planning Division	Contact	John Kelley, jkelley@duluthmn.gov	
Legal Description	See attached Exhibit A			
Site Visit Date	December 31, 2014	Sign Notice Date	December 30, 2014	
Neighbor Letter Date	December 23, 2014	Number of Letters Sent	34	

Proposal

To rezone the Campus Park Low Density Planned Development (LDPD) for an 88-unit rental townhouse development located on east side of Rice Lake Road and north of Barnes Road from Residential-Urban (R-2) to Residential-Planned (R-P).

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-2	Residential	Urban Residential. Preservation
North	R-1	Vacant land	Preservation
South	R-1	Institutional	Institutional, Preservation
East	R-2	Residential	Urban Residential
West	MU-I	Institutional	Institutional, Preservation

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, 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 Urban Residential and Preservation as the land use categories for the area proposed for rezoning.

Governing Principles: Principle #10 Take Sustainable Actions

Urban Design (UD) Policies

UD#7. The City will identify priority areas and set standards for conservation and low impact development. Areas designed within the Sensitive Lands Overlay shown on the future land use map should enhance the qualities of the landscape and natural systems: A. protect the connectivity of undeveloped lands adjacent to stream corridors and that protect core areas of high quality natural stands, B. provide a buffer between development and public preservation areas, C. ensure that new subdivisions or neighborhood extensions include access to trails or alignments for designated trail extensions, D. retain reasonable tree cover on development sites to protect viewsheds and mitigate stormwater risk, E. create parkland dedication standards for areas with limited access to appropriate park and recreation facilities.

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) On August 25, 1997 the City Council adopted Resolution No. 97-0705 granting a Low Density Planned Development (LDPD) Special Use Permit for a 88-unit townhouse development on approximately 13 acres located on the east side of Rice Lake Road and north of Barnes Road.
- 3) The proposed R-P district is established to provide a flexible development option for residential projects that integrate creative site design, provide a variety of housing types, provide unique on-site amenities, conserve natural features, increase pedestrian connectivity, or otherwise result in a final product that provides a greater level of public benefit than would be required under the existing zone district.
- 4) Section 50-14.7.H of the UDC requires that all residential developments approved prior to November 19, 2010, as low density planned developments pursuant to Sections 50-36.1 through 50-36.3 of the previous zoning code shall be treated as approved low density R-P developments, and will be rezoned to the R-P zone district.
- 6) This rezoning will bring the proposed area into compliance with the City's Comprehensive Land Use Plan-Governing Principles and Policies.
- 7) Comments received: None from residents or City departments. St. Louis County Public Works will restrict the access on Rice Lake Road to the current entrance. If a substantial increase in residents is expected, St. Louis County may require the developer to complete a traffic impact analysis for the intersection of Barnes Road and Rice Lake Road. The property owner may be partially responsible for costs for potential improvements at this intersection as a result of the increase in residents.

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 of the Campus Park Low Density Planned Development as described in Exhibit A from R-2 to R-P be recommended for approval by City Council for the following reasons:

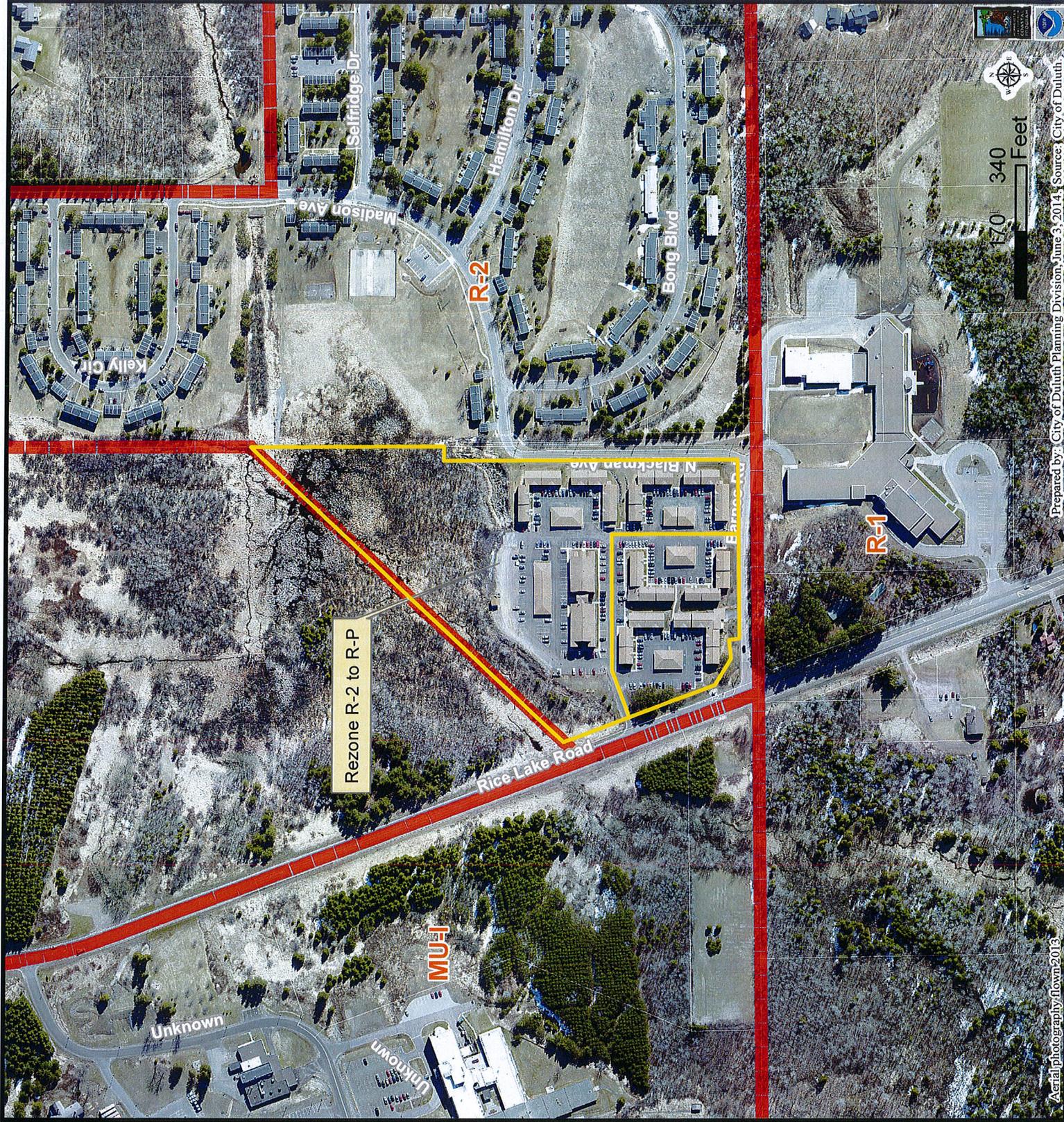
- 1) This proposal is consistent with the Comprehensive Land Use Plan.
- 2) Section 50-14.7.H of the UDC requires that all residential developments approved prior to November 19, 2010, as low density planned developments pursuant to Sections 50-36.1 through 50-36.3 of the previous zoning code shall be treated as approved low density R-P developments, and will be rezoned to the R-P zone district.
- 3) Material adverse impacts on nearby properties are not anticipated.

A-2

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



City Planning
14-180
Rezoning R-2 to R-P
Zoning Map



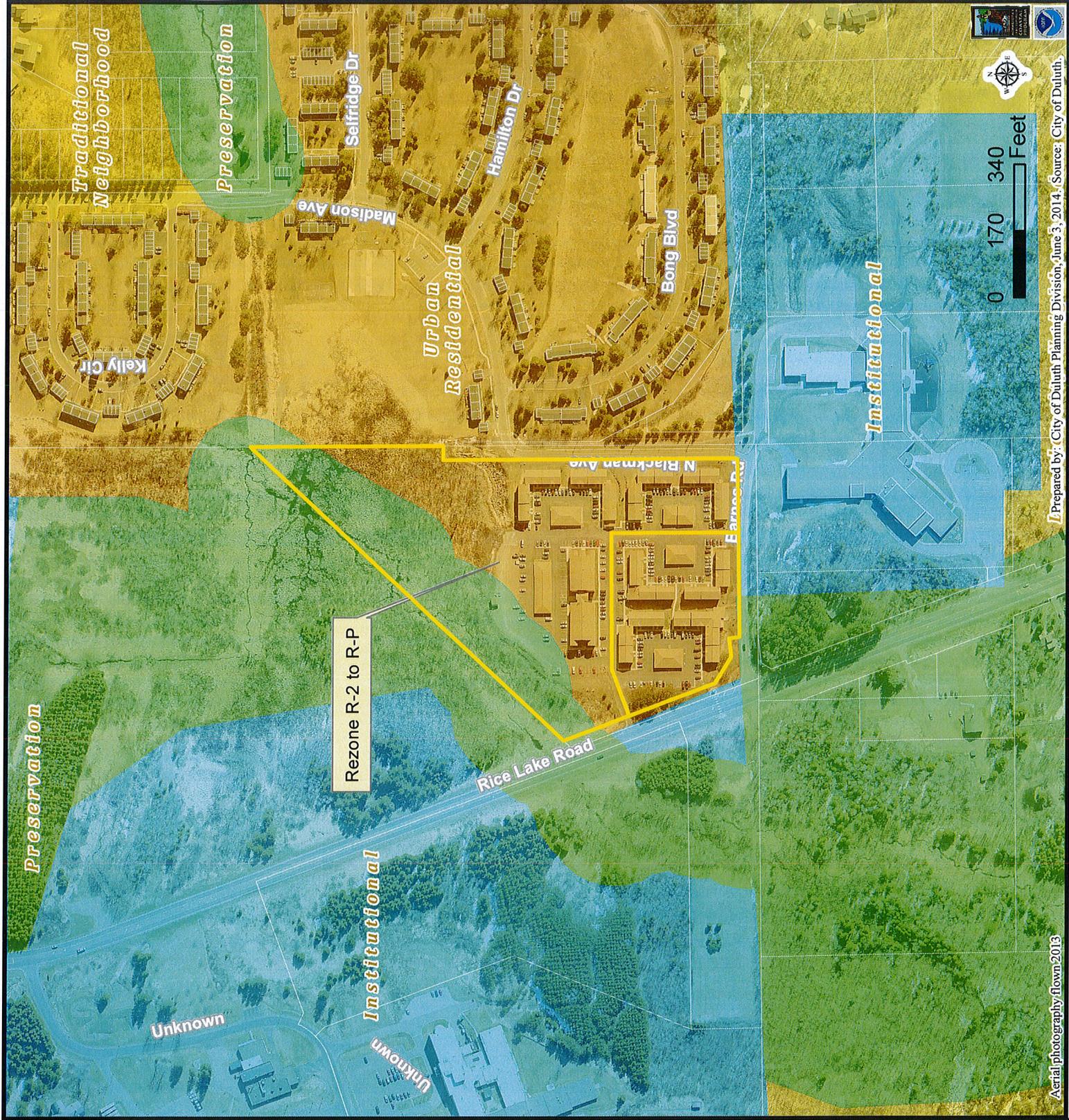
Prepared by: City of Duluth Planning Division, June 3, 2014. Source: City of Duluth

Aerial photography from 2013

Legend
Zoning Boundaries
Zoning Boundaries

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.

AS



Legend

Future Land Use	Color
Preservation	Light Green
Recreation	Light Yellow-Green
Rural Residential	Light Yellow
Low-density Neighborhood	Yellow
Traditional Neighborhood	Light Orange
Urban Residential	Orange
Neighborhood Commercial	Light Brown
Neighborhood Mixed Use	Light Pink
General Mixed Use	Pink
Central Business Secondary	Light Red
Central Business Primary	Red
Auto Oriented Commercial	Light Orange-Red
Large-scale Commercial	Orange-Red
Business Park	Light Brown-Orange
Tourism/Entertainment District	Light Blue
Medical District	Blue
Institutional	Light Blue
Commercial Waterfront	Purple
Industrial Waterfront	Dark Purple
Light Industrial	Light Purple
General Industrial	Light Blue-Grey
Transportation and Utilities	Light Grey

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Exhibit A

Parcel ID: 010-2710-03947

Description: PART OF SE1/4 OF NW1/4 DESCRIBED AS FOLLOWS COMM AT N 1/4 COR OF SEC 16 THENCE S00DEG02' 06"W ALONG E LINE OF FORTY 1314.79 FT TO NE COR OF SE1/4 OF NW1/4 THENCE CONT ALONG E LINE 501.76 FT THENCE S89DEG30'52"W 36 FT THENCE S00DEG02'06"W 764.03 FT THENCE S89DEG 30'52"W 189.49 FT TO PT OF BEG THENCE CONT S89DEG30'52"W 267.69 FT THENCE N06DEG26'59"W 27.06 FT ALONG ELY R.O.W. OF RICE LAKE RD THENCE S83DEG33'01"W 48.01 FT ALONG R.O.W. THENCE N58DEG18'58"W 78.66 FT ALONG R.O.W. THENCE N20DEG10'59"W 239.07 FT ALONG R.O.W. THENCE N69DEG40'21"E 129.13 FT THENCE N90DEG 00'00"E 346.84 FT THENCE S00DEG00'45"W 329.80 FT TO PT OF BEG

Parcel ID: 010-2710-03946

Description: PART OF SE1/4 OF NW1/4 DESCRIBED AS FOLLOWS COMM AT N 1/4 OF SEC 16 THENCE S00DEG02'06"W ALONG E LINE OF NW COR 1314.79 FT TO NE COR OF FORTY BEING PT OF BEG THENCE S00DEG02'06"W ALONG E LINE 1314.79 FT TO SE COR OF NW1/4 THENCE S89DEG30'52"W ALONG S LINE OF NW COR 487.62 FT THENCE N06DEG26'59"W ALONG ELY R.O.W. OF RICE LAKE RD 76.33 FT THENCE S83DEG 33'01"W ALONG R.O.W. 48.01 FT THENCE N58DEG 18'58"W ALONG R.O.W. 78.66 FT THENCE N20DEG10'59"W ALONG ELY R.O.W. OF RICE LAKE RD 419.90 FT THENCE N42DEG56'14"E 1110.54 FT TO NE COR OF SE1/4 OF NW1/4 BEING PT OF BEG EX S 49 FT LYING E OF ELY R.O.W. OF RICE LAKE RD & EX E 36 FT OF N 764 FT OF S 813 FT & EX COMM AT N1/4 OF SEC 16 THENCE S00DEG02'06"W ALONG E LINE OF NW1/4 1314.79 FT TO NE COR OF SE1/4 OF NW1/4 THENCE CONT ALONG E LINE 501.76 FT THENCE S89DEG30'52"W 36 FT THENCE S00DEG02'06"W 764.03 FT THENCE S89DEG30'52"W 189.49 FT TO PT OF BEG THENCE CONT S89DEG30' 52"W 267.69 FT THENCE N06DEG26'59"W 27.06 FT ALONG ELY R O W OF RICE LAKE RD THENCE S83DEG33'01"W 48.01 FT ALONG R O W THENCE N58DEG18'58"W 78.66 FT ALONG R O W THENCE N20DEG10'59"W 239.07 FT ALONG R O W THENCE N69DEG40'21"E 129.13 FT THENCE N90DEG00'00"E 346.84 FT THENCE S00DEG00'45"W 329.80 FT TO PT OF BEG

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