



**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 15-045	<b>Contact</b>	Jenn Reed Moses, jmoses@duluthmn.gov	
<b>Application Type</b>	UDC Map Amendment	<b>Planning Commission Date</b>	May 12, 2015	
<b>Deadline for Action</b>	<b>Application Date</b>	April 27, 2015	<b>60 Days</b>	June 26, 2015
	<b>Date Extension Letter Mailed</b>	April 27, 2015	<b>120 Days</b>	August 25, 2015
<b>Location of Subject</b>	Blocks 9, 10, 11, and part of Block 7, Coffee Creek Subdivision			
<b>Applicant</b>	Hamilton Taylor Homes	<b>Contact</b>	steveboynt@hotmail.com	
<b>Agent</b>	Brad Johnson	<b>Contact</b>	612-369-4364, bcjohnson@visi.com	
<b>Legal Description</b>	See attached			
<b>Site Visit Date</b>	May 5, 2015	<b>Sign Notice Date</b>	April 28, 2015	
<b>Neighbor Letter Date</b>	April 24, 2015	<b>Number of Letters Sent</b>	16	

**Proposal**

Applicant is requesting to rezone Blocks 9, 10, 11, and part of Block 7 (all owned by Menards, with Hamilton Taylor Homes as the buyer of the properties) from Residential-Planned (R-P) to Residential-Traditional (R-1)

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-P	Undeveloped, Residential	Traditional Neighborhood, Urban Residential
<b>North</b>	R-1	Residential	Traditional Neighborhood
<b>South</b>	R-2	Multi-family Residential	Traditional Neighborhood, Urban Residential
<b>East</b>	R-P	Residential	Traditional Neighborhood, Urban Residential
<b>West</b>	R-1	Residential, Undeveloped	Traditional Neighborhood

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

UDC Sec. 50-37.3.A: Any property owner may petition the planning commission to amend the district boundaries in which the property is located.

UDC Sec. 50-37.3.B: Planning commission shall review the application, conduct a public hearing ... with public notice ... and make a written recommendation to council.

UDC Sec. 50-37.3.C: 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.

IX-DI-1

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

Future Land Use - Traditional Neighborhood: 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 open space areas are scattered through or adjacent to the neighborhood.

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.

History: On February 6, 2008, a Low Density Planned Development was approved for this area, which allowed for 27 two-unit townhomes. With adoption of the UDC in 2010, all previously approved Low Density Planned Developments were treated as approved R-P developments; in 2012, the area was rezoned to R-P to conform with the UDC.

**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 else be considered arbitrary and capricious.
- 2.) Good zoning practice requires that zone districts be consistent with the future land use category identified for the area. The purpose of the R-1 district is to accommodate traditional neighborhoods of single-family detached residences, duplexes and townhouses on moderately sized lots. This application is reasonably related to the future land use of Traditional Neighborhood.
- 3.) The existing R-P plan (formerly Low Density Planned Development or LDPD) allows only for development of twinhomes and does not allow for variation in building type, footprint, or building variations. In addition, the existing R-P plan would not allow for future expansions or modifications to the buildings in the future. Given the market conditions in Duluth and current planning best practices that look for variations in building type and design, staff finds that the R-1 zone district would provide greater flexibility, encourage increased development in the subdivision, and allow residents to invest in their property in the future.
- 4.) The undeveloped parcels in this subdivision are now owned by a different entity than the applicants that proposed the twinhomes in 2008. They are in the process of being sold to another party, Hamilton Taylor Homes, which proposes to build single-family homes on the lots. The remainder of the R-P district has already been developed and is under other ownership; the City is also proposing to rezone these parcels (PL 15-072).
- 5.) The LDPD called for increased stormwater standards and development of outlots and open space. Staff finds these protections are ensured via the existing plat and legal documents for the homeowners association of the development.
- 6.) Because the application does not contain a petition with 2/3 of surrounding property owners, 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).
- 7.) No public, agency, or City comments have been received.

**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, for the following reasons:

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

D1-2

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



# City Planning

## PL 15-045 & 15-072 Coffee Creek Rezoning

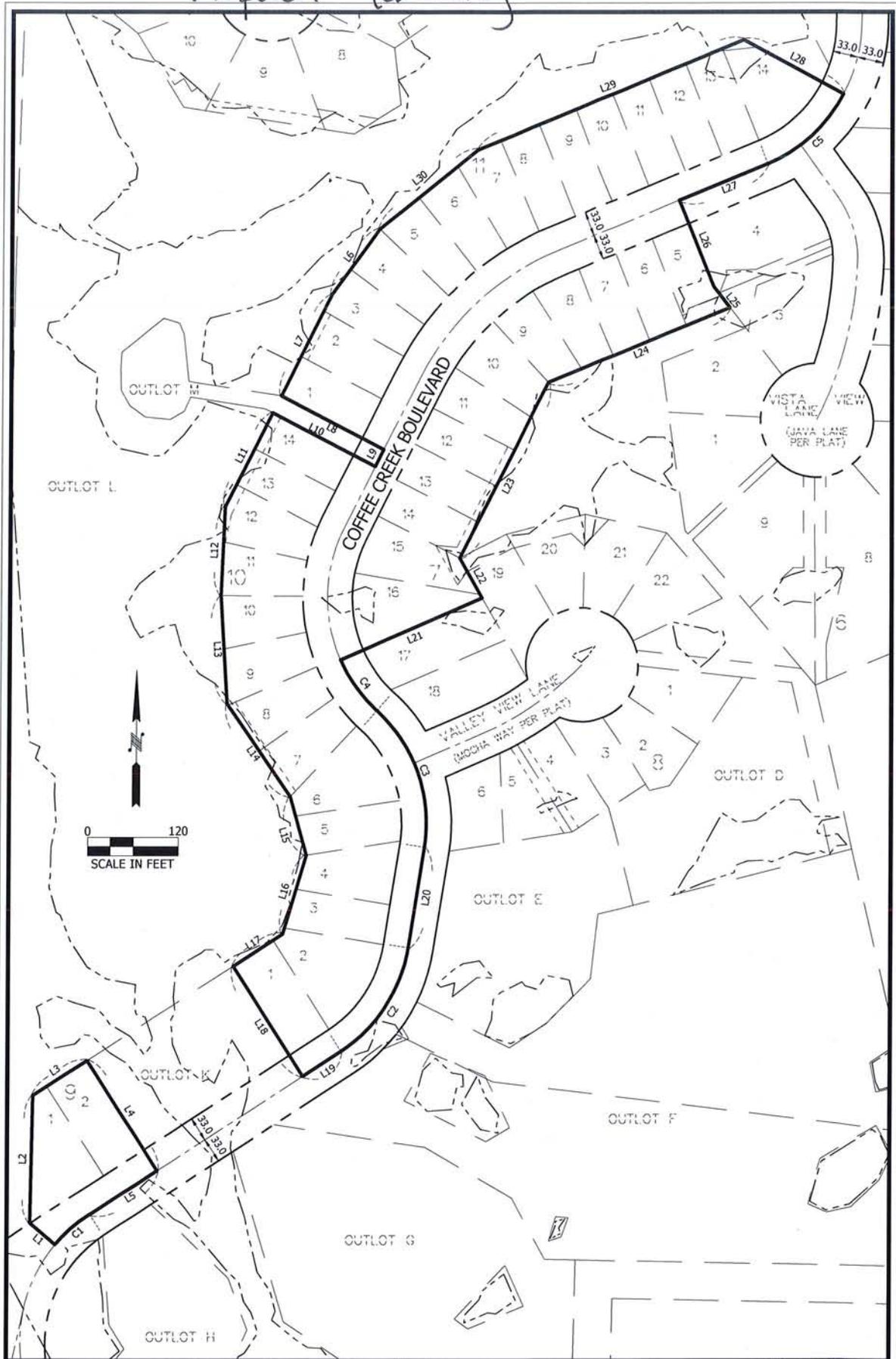


The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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

DF 3

Prepared by: City of Duluth Planning Division, April 24, 2015. Source: City of Duluth.

# Proposed Rezoning



<b>REZONING EXHIBIT</b>		<p><b>ALTA</b> LAND SURVEY COMPANY</p> <ul style="list-style-type: none"> <li>* LAND SURVEYING</li> <li>* LAND DEVELOPMENT</li> <li>* PLATTING</li> <li>* LEGAL DESCRIPTIONS</li> <li>* CONSTRUCTION STAKING</li> </ul> <p>PHONE: 218-727-5211 FAX: 218-727-3786 LICENSED IN MN &amp; WI CERTIFIED FEDERAL SURVEYOR WWW.ALTLANDSURVEYING.COM</p>
CLIENT: HAMILTON TAYLOR HOMES	REVISIONS: XXX	
DATE: 4-13-15		
ADDRESS: XXX		
JOB NUMBER: 15-071		

D1-4

# Proposed Rezoning

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	200.00	60.38	60.15	S48°31'54"W	17°17'49"
C2	200.00	168.21	163.30	N33°05'07"E	48°11'23"
C3	200.00	199.31	191.16	N19°33'31"W	57°05'52"
C4	200.00	83.34	82.74	N36°10'12"W	23°52'30"
C5	200.00	139.56	136.75	N48°00'33"E	39°58'53"

LINE	BEARING	DISTANCE
L1	N50°07'01"W	44.04
L2	N01°04'46"E	168.67
L3	N57°10'48"E	84.65
L4	S32°49'12"E	173.00
L5	S57°10'48"W	106.17
L6	S36°32'27"W	108.00
L7	S27°00'35"W	149.08
L8	S62°59'19"E	155.00
L9	S27°00'35"W	25.00
L10	N62°59'19"W	155.00
L11	S27°00'35"W	138.08
L12	S02°29'50"W	117.69
L13	S03°27'18"E	142.68
L14	S34°45'52"E	148.65
L15	S15°49'30"E	79.95
L16	S16°44'33"W	108.83
L17	S57°10'48"W	78.25
L18	S32°49'12"E	173.00
L19	N57°10'48"E	60.76
L20	N08°59'25"E	134.16
L21	N66°33'36"E	205.09
L22	N29°40'38"W	60.30
L23	N27°00'45"E	259.46
L24	N67°59'59"E	262.42
L25	N37°56'21"W	35.54
L26	N22°00'01"W	121.93
L27	N67°59'59"E	127.74
L28	N61°58'54"W	151.71
L29	S67°59'59"W	384.06
L30	S51°24'35"W	167.54

### LEGAL DESCRIPTION OF LOTS TO BE REZONED

Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, Block 7, COFFEE CREEK, according to the recorded plat thereof, St. Louis County, Minnesota. Including 33 feet of Coffee Creek Boulevard running adjacent to said lots.

And:

Lots 1 and 2 Block 9, COFFEE CREEK, according to the recorded plat thereof, St. Louis County, Minnesota. Including 33 feet of Coffee Creek Boulevard running adjacent to said lots.

And:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, Block 10, COFFEE CREEK, according to the recorded plat thereof, St. Louis County, Minnesota. Including 33 feet of Coffee Creek Boulevard running adjacent to said lots.

And:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, Block 11, COFFEE CREEK, according to the recorded plat thereof, St. Louis County, Minnesota. Including 33 feet of Coffee Creek Boulevard running adjacent to said lots.

### LEGEND

- DRAINAGE & UTILITY EASEMENT LINES AS SHOWN ON COFFEE CREEK
- WET LAND LINE AS SHOWN ON COFFEE CREEK

TOTAL REZONING AREA  
401,230.6 SQ. FT  
9.21 ACRES



VICINITY MAP  
NO SCALE

THIS IS NOT A BOUNDARY SURVEY.

BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996.

THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY.

### REZONING EXHIBIT

CLIENT: HAMILTON TAYLOR HOMES	REVISIONS: XXX
DATE: 4-13-15	
ADDRESS: XXX	
JOB NUMBER: 15-071	

**ALTA**  
LAND SURVEY COMPANY

- \* LAND SURVEYING PHONE: 218-727-5111
- \* LAND DEVELOPMENT FAX: 218-727-3798
- \* PLATTING LICENSED IN MN & WI
- \* LEGAL DESCRIPTIONS CERTIFIED FEDERAL SURVEYOR
- \* CONSTRUCTION STAKING WWW.ALTLANDSURVEY.COM

DI-5

**Uses Allowed in Residential-Traditional (R-1) Zone District  
Revised January 5, 2015**

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 (less than 50,000 sq. ft. or more)
- Religious assembly, large (50,000 sq. ft. or more)
- 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

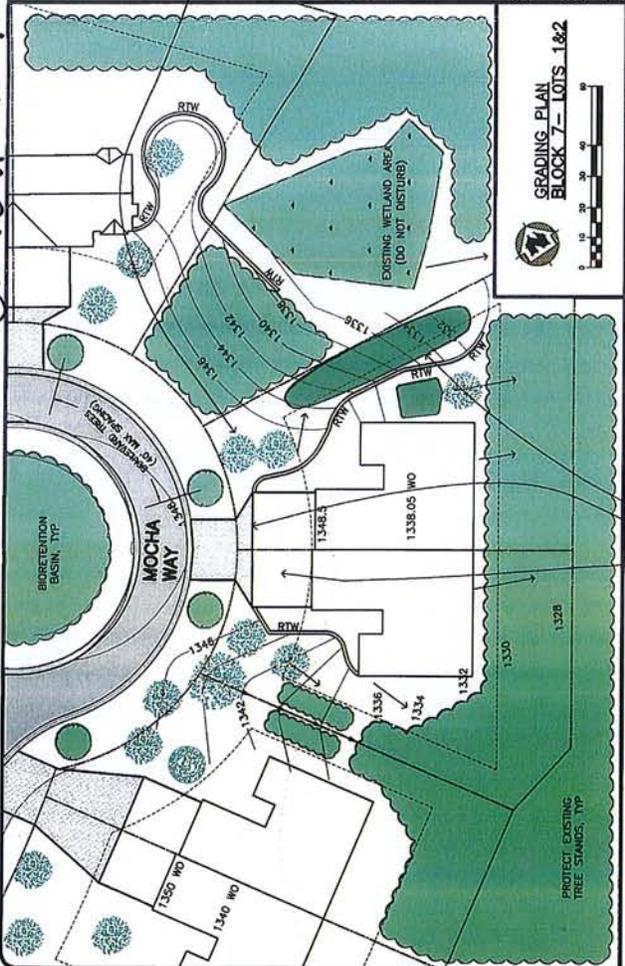
Interim Uses

- Vacation dwelling unit
- Accessory vacation dwelling unit

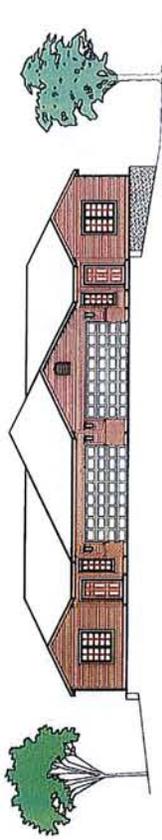
D1-6



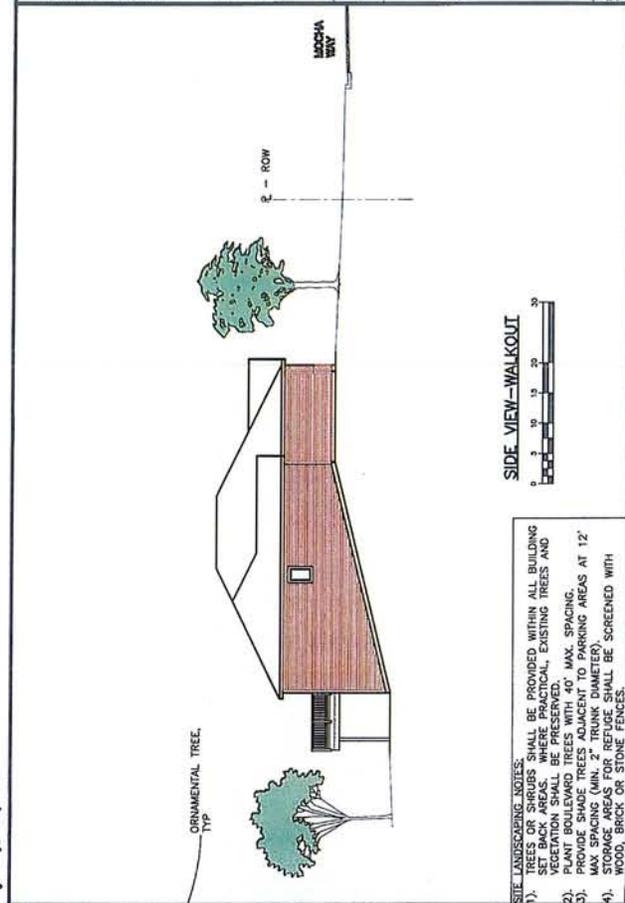
Current R-P Plan



ABBREVIATIONS  
 FB - FULL BASEMENT  
 LO - LOOKOUT  
 RW - RIGHT OF WAY  
 SOG - SUB ON GRADE  
 RTW - RETAINING WALL  
 → FLOW ARROW

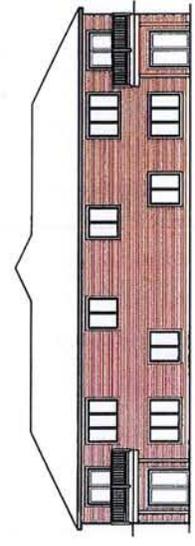


FRONT VIEW - WALKOUT



SIDE VIEW - WALKOUT

SITE LANDSCAPING NOTES:  
 1) TREES OR SHRUBS SHALL BE PROVIDED WITHIN ALL BUILDING SET BACK AREAS. WHERE PRACTICAL, EXISTING TREES AND SHRUBS SHALL BE MAINTAINED.  
 2) PLANT BULWARK TREES WITH 40' MAX. SPACING.  
 3) PROVIDE SHADE TREES ADJACENT TO PARKING AREAS AT 12' MAX SPACING (MIN. 2" TRUNK DIAMETER).  
 4) STORAGE AREAS FOR REFUGE SHALL BE SCREENED WITH WOOD, BRICK OR STONE FENCES.



REAR VIEW - WALKOUT



D1-8



**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 15-072	<b>Contact</b>	Jenn Reed Moses, jmoses@duluthmn.gov	
<b>Application Type</b>	UDC Map Amendment	<b>Planning Commission Date</b>	May 12, 2015	
<b>Deadline for Action</b>	<b>Application Date</b>	N/A	<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>	Block 8 and part of Block 7, Coffee Creek Subdivision			
<b>Applicant</b>	City of Duluth	<b>Contact</b>	jmoses@duluthmn.gov	
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	Lots 17-22, Block 7, and all of Block 8, Coffee Creek Subdivision			
<b>Site Visit Date</b>	May 5, 2015	<b>Sign Notice Date</b>	April 28, 2015	
<b>Neighbor Letter Date</b>	April 24, 2015	<b>Number of Letters Sent</b>	16	

**Proposal**

The City of Duluth is proposing to rezone Block 8 and part of Block 7, Coffee Creek Subdivision, from Residential-Planned (R-P) to Residential-Traditional (R-1)

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-P	Residential	Traditional Neighborhood, Urban Residential
<b>North</b>	R-P	Undeveloped	Traditional Neighborhood
<b>South</b>	R-2	Multi-family Residential	Urban Residential
<b>East</b>	R-1, R-2	Residential, Undeveloped	Traditional Neighborhood, Urban Residential
<b>West</b>	R-P	Undeveloped	Traditional Neighborhood, Urban Residential

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

UDC Sec. 50-37.3.A: Any property owner may petition the planning commission to amend the district boundaries in which the property is located.

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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.

IV. D2-1

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

Future Land Use - Traditional Neighborhood: 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 open space areas are scattered through or adjacent to the neighborhood.

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.

History: On February 6, 2008, a Low Density Planned Development was approved for this area, which allowed for 27 two-unit townhomes. With adoption of the UDC in 2010, all previously approved Low Density Planned Developments were treated as approved R-P developments; in 2012, the area was rezoned to R-P to conform with the UDC.

**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 else be considered arbitrary and capricious.
- 2.) Good zoning practice requires that zone districts be consistent with the future land use category identified for the area. The purpose of the R-1 district is to accommodate traditional neighborhoods of single-family detached residences, duplexes and townhouses on moderately sized lots. This application is reasonably related to the future land use of Traditional Neighborhood.
- 3.) The existing R-P plan (formerly Low Density Planned Development or LDPD) allows only for development of twinhomes and does not allow for variation in building type, footprint, or building variations. In addition, the existing R-P plan would not allow for future expansions or modifications to the buildings in the future. Given the market conditions in Duluth and current planning best practices that look for variations in building type and design, staff finds that the R-1 zone district would provide greater flexibility, encourage increased development in the subdivision, and allow residents to invest in their property in the future.
- 4.) The parcels in this area of the subdivision were previously sold and developed. Given the application to rezone the other portion of the R-P district (PL 15-045), the City proposes to rezone this portion as well. If this portion remains R-P, staff feels this would become a less viable R-P district given its small size, and contribute to inconsistent regulations within this neighborhood.
- 5.) The LDPD called for increased stormwater standards and development of outlots and open space. Staff finds these protections are ensured via the existing plat and legal documents for the homeowners association of the development.
- 6.) Because the application does not contain a petition with 2/3 of surrounding property owners, 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).
- 7.) The City held a meeting on April 14 for affected property owners, but had no attendees. No public, agency, or City comments have been received.

**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, for the following reasons:

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

Da-2

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



**Uses Allowed in Residential-Traditional (R-1) Zone District  
Revised January 5, 2015**

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

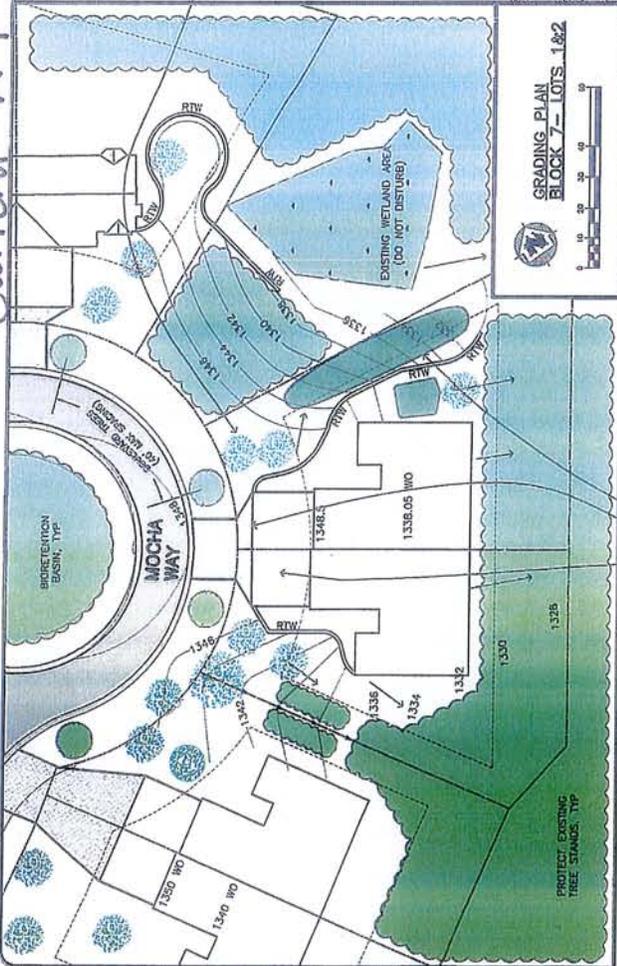
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- Major utility or wireless telecommunication facility
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Interim Uses

- Vacation dwelling unit
- Accessory vacation dwelling unit

D2-4

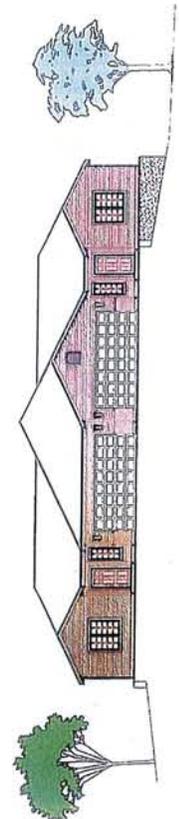
Current R-P Plan



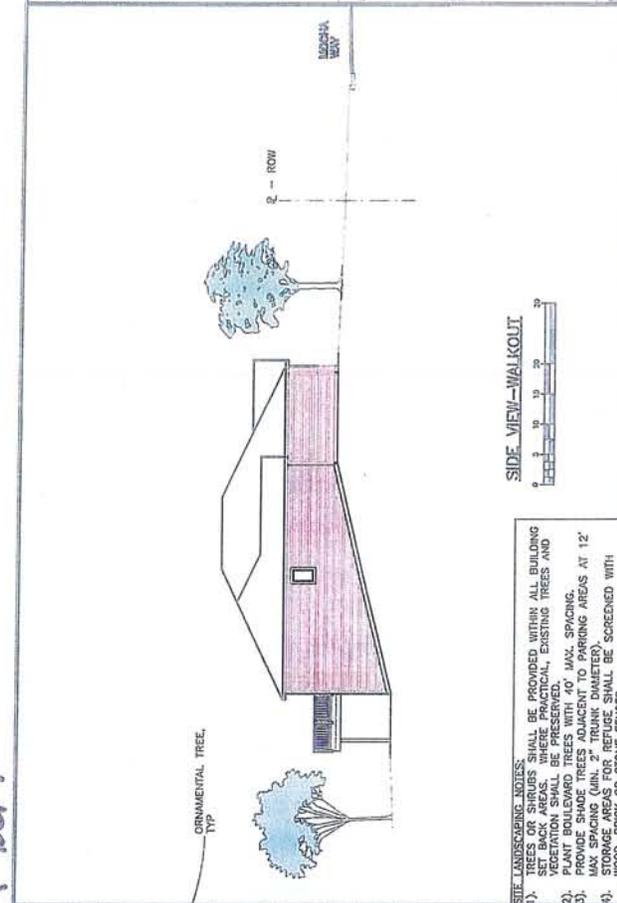
**GRADING PLAN**  
BLOCK 7 - LOTS 1&2

ABBREVIATIONS:  
 FB - FULL BASEMENT  
 LD - LOOKOUT  
 UD - UNDERGROUND  
 SDO - SLAB ON GRADE  
 RTW - RETAINING WALL  
 - - - FLOW ARROW

CONCRETE DRIVEWAY SURFACE, TYP  
 POROUS PAVERS, TYP.  
 LANDSCAPING AREA, TYP



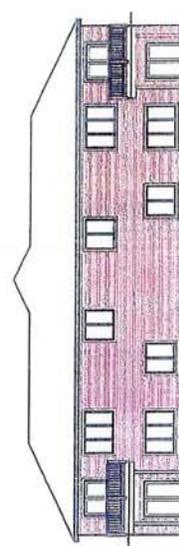
FRONT VIEW - WALKOUT



SIDE VIEW - WALKOUT

**SITE LANDSCAPING NOTES:**  
 1) TREES OR SHRUBS SHALL BE PROVIDED WITHIN ALL BUILDING SETBACK AREAS. WHERE PRACTICAL, EXISTING TREES AND PLANT BULLEWARD TREES WITH 40' MAX. SPACING.  
 2) PROVIDE SHADE TREES ADJACENT TO PARKING AREAS AT 12' MAX SPACING (MIN. 2" TRUNK DIAMETER).  
 3) STORAGE AREAS FOR REFUSE SHALL BE SCREENED WITH WOOD, BRICK OR STONE FENCES.

ORNAMENTAL TREE, TYP



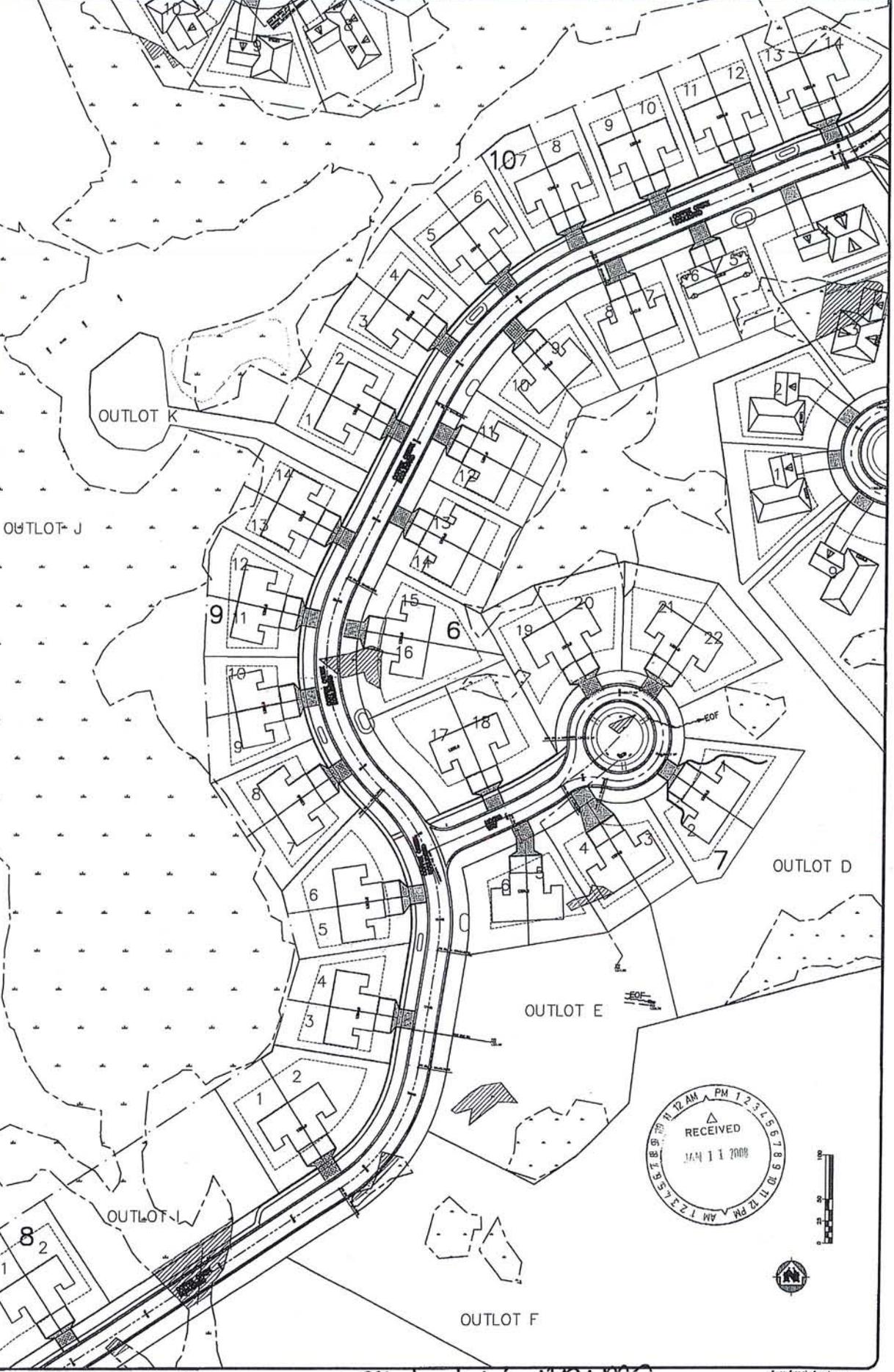
REAR VIEW - WALKOUT



D2-5

# Current R-P Plan

PROJECT NO. 0100281	DATE: 1/11/08	SCALE: 1/8" = 1'-0"	PROJECT: ST. LOUIS COUNTY, MO CITY OF DILLUTH TRINITY DEVELOPMENT GROUP COFFEE CREEK PARK DEVELOPMENT
NO. 002	NO. 001	NO. 003	NO. 004



*Da-6*