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 15-060		**Contact**	Jenn Reed Moses, jmoses@duluthmn.gov	
Application Type	UDC Map Amendment		**Planning Commission Date**	May 12, 2015	
Deadline for Action	**Application Date**	April 6, 2015	**60 Days**	June 5, 2015	
	Date Extension Letter Mailed	April 28, 2015	**120 Days**	August 4, 2015	
Location of Subject	1501 Kenwood Ave, 15 W Cleveland St, and 1428 Arrowhead Rd				
Applicant	Kenwood Village LLC		**Contact**	952-893-8271	
Agent	Rick McKelvey		**Contact**	rick.mckelvey@uproperties.com	
Legal Description	See attached				
Site Visit Date	April 8, 2015		**Sign Notice Date**	April 27, 2015	
Neighbor Letter Date	April 24, 2015		**Number of Letters Sent**	42	

Proposal

Applicant is requesting to rezone three properties from R-1 to MU-N.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Neighborhood Mixed Use
North	R-2, MU-N	Undeveloped/Commercial/Res	Neighborhood Mixed Use
South	R-1	Residential	Traditional Neighborhood
East	MU-N	Commercial	Neighborhood Mixed Use
West	R-1	Residential	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.

IV. E-1

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

Future Land Use - Neighborhood Mixed Use: A transitional use between more intensive commercial uses and purely residential neighborhoods. Includes conversions of houses to office or live-work spaces. May include limited commercial-only space oriented to neighborhood or specialty retail markets.

On April 27, 2015, City Council passed the resolution changing the future land use for these parcels from Traditional Neighborhood to Neighborhood Mixed Use.

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 MU-N district is to accommodate a mix of neighborhood-scale, neighborhood serving non-residential uses and a range of residential uses located in close proximity. This application is reasonably related to the future land use of Neighborhood Mixed Use.

3.) Applicant intends to develop the property consistent with uses and development standards per the UDC. Applicant owns adjacent properties at the corner of Kenwood and Arrowhead, and having a development parcel with unified zoning will allow for a coordinated redevelopment.

4.) These properties are located in the Higher Education Overlay (HE-O). Any future development will be required to meet all UDC standards, including those related to landscaping and buffering, screening, lighting, and the pedestrian and parking standards of the HE-O.

5.) 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).

6.) One letter and one email were received from neighbors. No other 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 Neighborhood Mixed Use.

3.) Material adverse impacts on nearby properties are not anticipated.

Ex. 2

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

City Planning

PL 15-060
1501 Kenwood Ave, 15 W Cleveland St, 1428 Arrowhead Rd

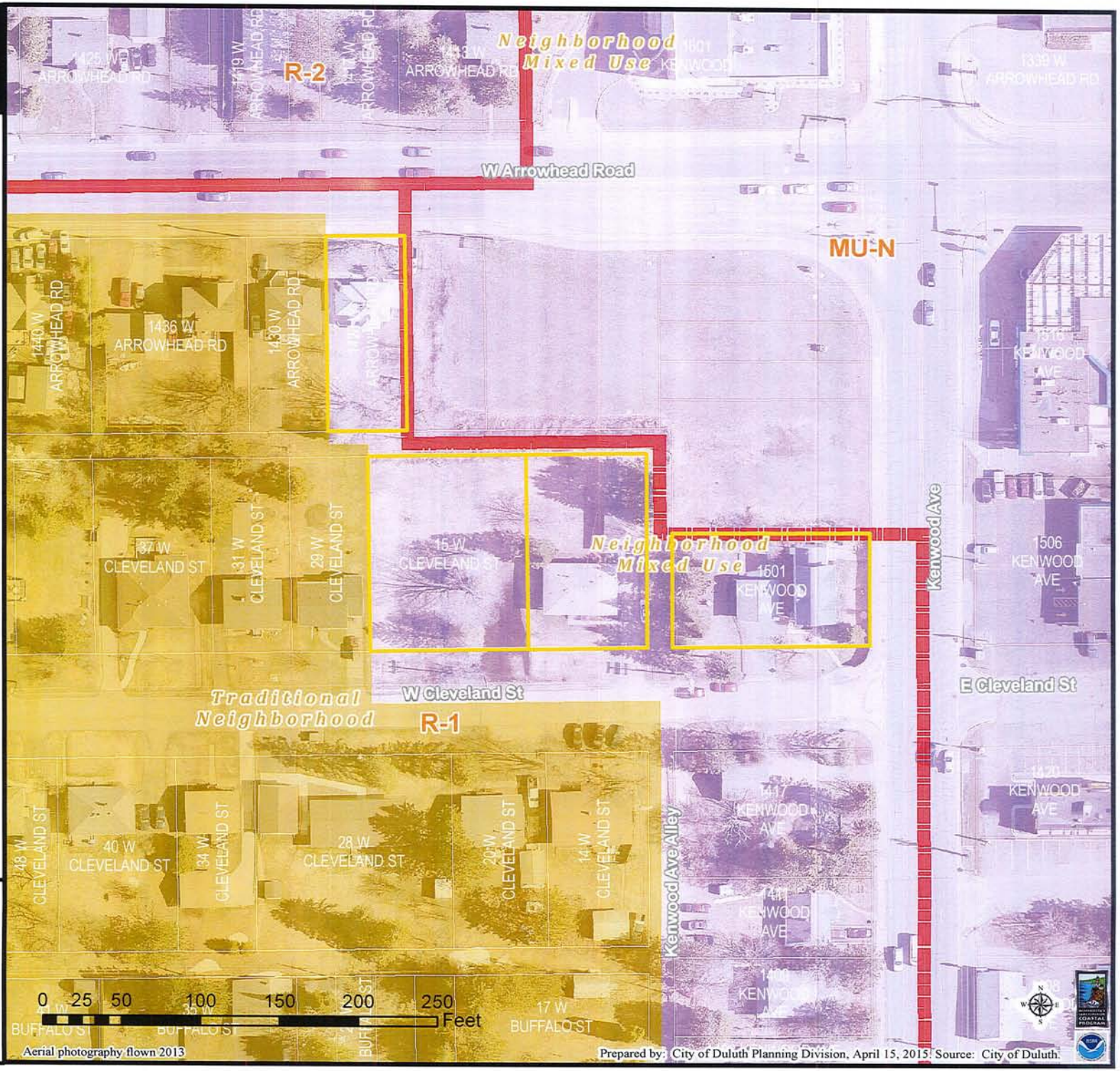
Legend

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

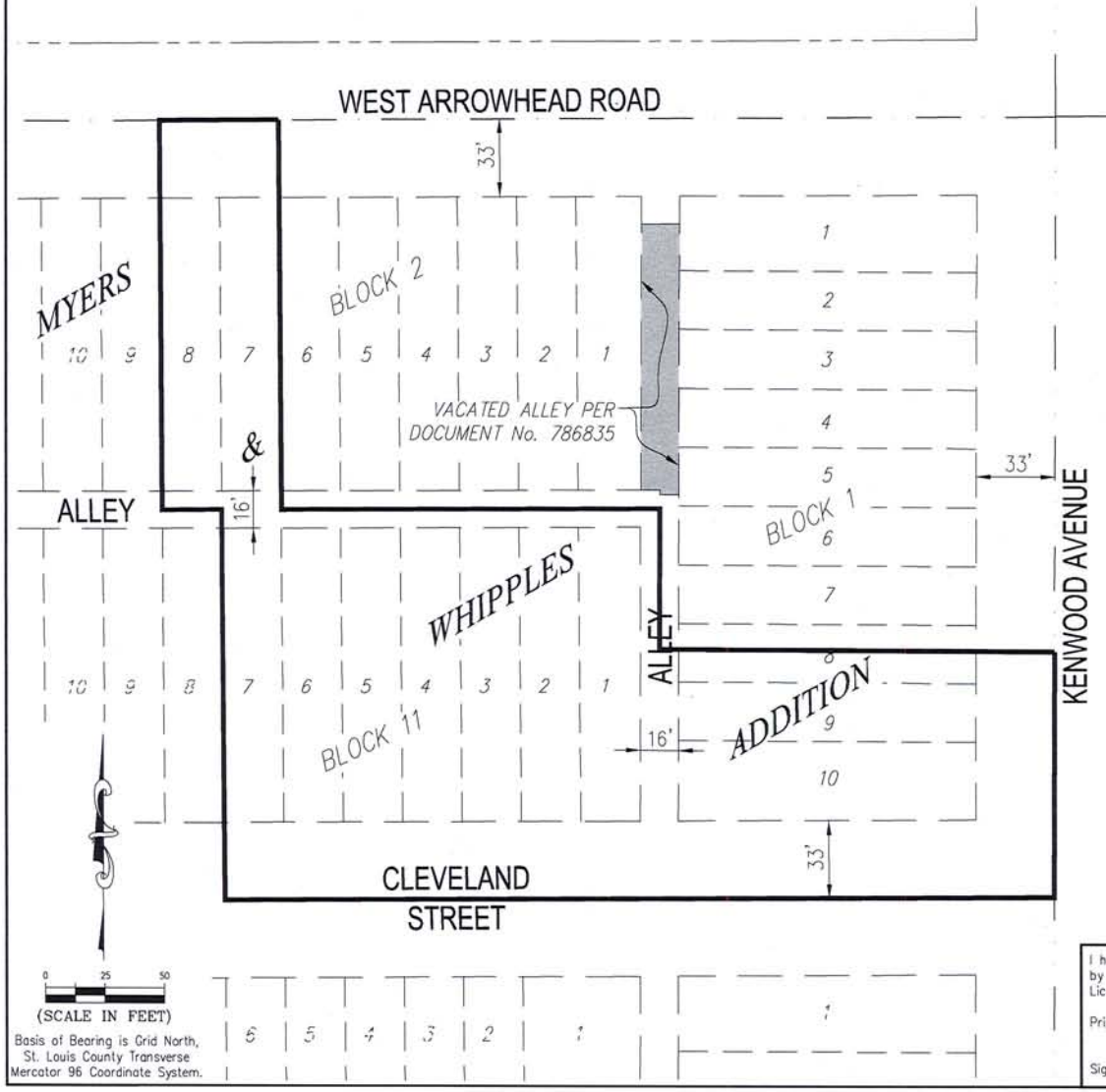


The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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

E-3

EXHIBIT

MU-N ZONING



LEGAL DESCRIPTION :

THE SOUTHERLY FOURTEEN (14) FEET OF LOT EIGHT (8) AND ALL OF LOTS NINE (9) AND TEN (10), BLOCK ONE (1), MYERS & WHIPPLES ADDITION TO DULUTH TOGETHER WITH APPURTENANT STREETS, AVENUES AND ALLEYS THERETO; ALL IN THE CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA.

AND

LOTS SEVEN (7) AND EIGHT (8), BLOCK TWO (2), MYERS & WHIPPLES ADDITION TO DULUTH TOGETHER WITH APPURTENANT STREETS, AVENUES AND ALLEYS THERETO; ALL IN THE CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA.

AND

LOTS ONE (1) THROUGH SEVEN (7), BLOCK ELEVEN (11), MYERS & WHIPPLES ADDITION TO DULUTH TOGETHER WITH APPURTENANT STREETS, AVENUES AND ALLEYS THERETO; ALL IN THE CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA.

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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: Date: 4/2/2015

DATE PREPARED: 4/2/15
PROJ NO: 140719
FILE: 140719vRE-ZO
SHEET 1 of 1 SHEETS

LHB
PERFORMANCE DRIVEN DESIGN.
LHBcorp.com
21 W. Superior St., Ste. 500 | Duluth, MN 55802 | 218.727.8446

FILE: ...\140719\600 Drawings\Survey\140719vRE-ZONE_MU-N.dwg

E-4

Steven Robertson

From:	tracmail@me.com
Sent:	Thursday, April 16, 2015 10:15 PM
To:	Keith Hamre
Cc:	Steven Robertson; Council
Subject:	Kenwood Neighborhood Development
Attachments:	U of M Area Neighborhood Impact Report.pdf

Mr Hamre,
I was encouraged to read your remarks in the Duluth News Tribune, recommending developers work with Kenwood neighbors regarding rezoning and development plans. However, why did the Duluth Planning Division invite only a few of the neighbors, those directly adjacent to the development property, to a meeting this week regarding the new development? This was very discouraging to those of us who would be directly impacted by zoning changes and construction. The city should welcome citizen involvement and lively discussion so that any development adds to the health and prosperity of the Kenwood area.

I invite you to review and consider the attached document (with apologies to length) describing issues and problem solving strategies involving the deterioration and blight of neighborhoods surrounding the University of Minnesota Twin Cites. What the University of Minnesota (and many other universities) found was the transition away from single home owners, loss of local schools to draw families to the area, and increased rental units resulted in higher crime, increased safety concerns, and neighborhood blight. An intensive neighborhood revitalization process, at no small cost, had to be instituted to reverse these negative trends. The U of M became involved because the safety of their students was at great risk. The process of development in the Kenwood location must focus on maintaining a strong, safe neighborhood, keeping resident homeowners in the mix, rather than driving them out. Resident homeowners help maintain the "pride of place" in a neighborhood.

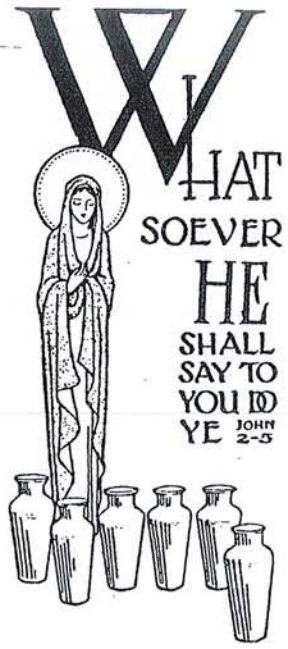
I hope you and the developer will truly welcome and work with the neighbors to strengthen and maintain this wonderful community. We live here, we like it here, and we've already invested heavily in the future of our neighborhood. I continue to have concerns regarding blanket re-zoning without clearly documented plans for dealing with traffic, safety, and ensuring that development is appropriate to attract resident home owners and families. Can we be assured that this rezoning won't result in numerous bars along Kenwood Avenue? Or that there is a realistic plan for dealing with the longstanding issue of traffic accidents in this busy corridor, especially with increased influx of traffic with development. Once the rezoning away from residential is accomplished, there may be unexpected consequences, including development that is 'legal' but not appropriate. Further rezoning to less family friendly businesses will be easier once the initial rezoning is accomplished. We need to maintain single homeowners/families in the neighborhood for stability.

Thank you for your time and consideration. Please keep all the neighbors informed of upcoming events and planning meetings, so we can be partners in the future of our neighborhood. As noted in the U of M report, it is wiser and less expensive (in money, services, safety costs, etc.) to avoid the pitfalls of poorly designed development around colleges, than it is to fix the neighborhoods when blight occurs. Without responsible development, homeowners, students, renters and the city will suffer.

Pat Trachte
118 W Cleveland St.
Duluth, MN 55811

5-15

Father Richard Partika
925 Kenwood Ave. Apt 1157
Duluth, MN 55811-2124



April 22, 2015

Duluth City Planners
c/o Duluth News Tribune
424 W First St
Duluth MN 55802

I have been studying your article on the development of properties on the corner of Kenwood and Arrowhead. There are a number of access points which seemed to have been ignored and which already are a problem. And this problem will be greatly increased because of the already heavy traffic pouring into it.
There are two openings on to Arrowhead Road and one on Kenwood Ave from which it is often difficult to leave the shopping area with a left turn into the traffic.
About the time the traffic from the Woodland Ave light reaches Kenwood the traffic coming from each direction causes problems for anyone wanting to make a left turn out of the shopping area. And it is similar when trying to leave the area at the other corner onto Kenwood Ave. And the one gas station on the corner is a constant problem for the customers trying to get in or out. The corner where the banks are located are presently a bit less of a problem but still cauuse difficulties on the busier hours.

It behooves the City of Duluth and the developers to face these problems and avoid heaping frustration on shoppers and others trying to negotiate on to or off of these roads with special focus on left turns. Also, many drivers in the area are aging or have other situations which slow their reactions. These ought to be taken seriously. Thank you for your attention,

Fr Richard Partika

E-9