



CITY OF DULUTH
Planning Division

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STAFF REPORT

File Number	PL 15-064	Contact	Kyle Deming, kdeming@duluthmn.gov	
Application Type	UDC Map Amendment	Planning Commission Date	May 12, 2015	
Deadline for Action	Application Date	April 10, 2015	60 Days	June 9, 2015
	Date Extension Letter Mailed	April 23, 2015	120 Days	August 8, 2015
Location of Subject	46XX Rice Lake Rd.			
Applicant	JLH Properties of Duluth LLC.	Contact	218-625-2294, scott@northlandcompanies.com	
Agent	Matt Bolf	Contact	218-279-3025, mbolf@sehinc.com	
Legal Description	NW 1/4 of Section 5, Twp 50N, R14W, - See Attached For Complete Legal			
Site Visit Date		Sign Notice Date	April 28, 2015	
Neighbor Letter Date	April 24, 2015	Number of Letters Sent	14	

Proposal

Applicant proposes to rezone 160 acres from RR-1, Rural Residential to MU-B, Mixed Use-Business Park in preparation for likely subdivision into 2.5-5 acre lots for commercial and light industrial development.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	RR-1	Undeveloped	General Mixed Use w/ Sensitive Lands Overlay
North	Rice Lake Twp	Homes	Rice Lake Twp
South	RR-1	Homes	General Mixed Use w/ Sensitive Lands Overlay
East	RR-1	Homes	General Mixed Use & Preservation
West	RR-1 & MU-B	Undeveloped	Transportation & Utilities

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.
- 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.

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

Future Land Use:

General Mixed Use - The broadest mix of uses, including light industrial, office, commercial, and residential use, with performance standards to ensure compatibility. Includes areas that are in transition from industrial uses and large redevelopments that require master plans and phased development. General or heavy industrial can be included when a large site is master planned to allow appropriate separation of uses. Intensity - FAR: 0.3 to 0; Design - pedestrian circulation and open space amenities should be provided for larger sites, master planning for large sites.

Sensitive Lands Overlay - High resource value lands or natural resources that may be developed under conservation design standards, transfer of development rights program designs, or low-impact performance standards. Design - varying densities and land uses; intensity is concentrated where natural carrying capacity is sufficient, or moved to other parcels via TDR-type program; conservation subdivision and design; natural resource performance standards

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

1.) Good zoning practice requires that zone districts be consistent with the future land use category identified for the area. The purpose of the MU-B district is to accommodate modern light industrial and technology-based developments of attractive integrated design and function. The development standards for this district are intended to ensure that projects minimize adverse impacts on surrounding uses and neighborhoods, reduce impacts on the natural environment, enhance the visual quality of development and ensure the provision of adequate and cost-efficient public facilities. Intended uses include wholesaling, industrial services, research laboratories, and light manufacturing needed to support the community and region at large. The proposed rezoning to MU-B is reasonably related to the future land use map designation of General Mixed Use.

2.) In order to accomplish the proposed development, the landowner will need to seek Planning Commission approval of a preliminary and final plat, which will allow the commission to review the development for compliance with the MU-B purpose statement above as well as reserving land for wetlands and storm water treatment. The County will limit the number and location of driveways onto Rice Lake Rd. Individual building permits for each site will be reviewed by Planning staff for compliance with the UDC's Development Standards concerning landscaping, screening, and lighting.

3.) In the 2006 Comprehensive Plan, this site was identified as being in an area not planned to be served by utilities. Subsequent to 2006, utilities were extended to the area by Rice Lake Township, making extensions to this site possible. The site is 1/2 mile from the Airpark Business Park and represents the next phase of commercial and light industrial site development opportunities as Airpark sites are filled in the future.

4.) The site is in Airport Safety Zones B and C (see attached restrictions) and is subject to the general land use restrictions concerning interfering with aircraft operation and navigation. Restrictions on uses in Zone B will affect the density of development along the approximately southerly 300' of the site. The portion of the site in Zone C is only subject to the general land use restrictions. The site is also located under the Airport's Horizontal Zone, which prohibits structures from extending above 1,580' above mean sea level. The highest ground elevation on the site is about 1,470' and MU-B zoning will limit building heights to 60', which will not be tall enough to encroach on the elevation 1,580' Horizontal Zone.

5.) Because the application does not contain a petition with 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).

6.) No letters were received from the public. 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 future land use map designation of this property as General Mixed Use.

2.) The Planning Commission review of the platting of the property will allow for implementation of the purpose statement of the MU-B zone district through setting aside land for natural resources protections, buffering to protect surrounding properties from possible impacts, and the evaluation of transportation connections to the site.

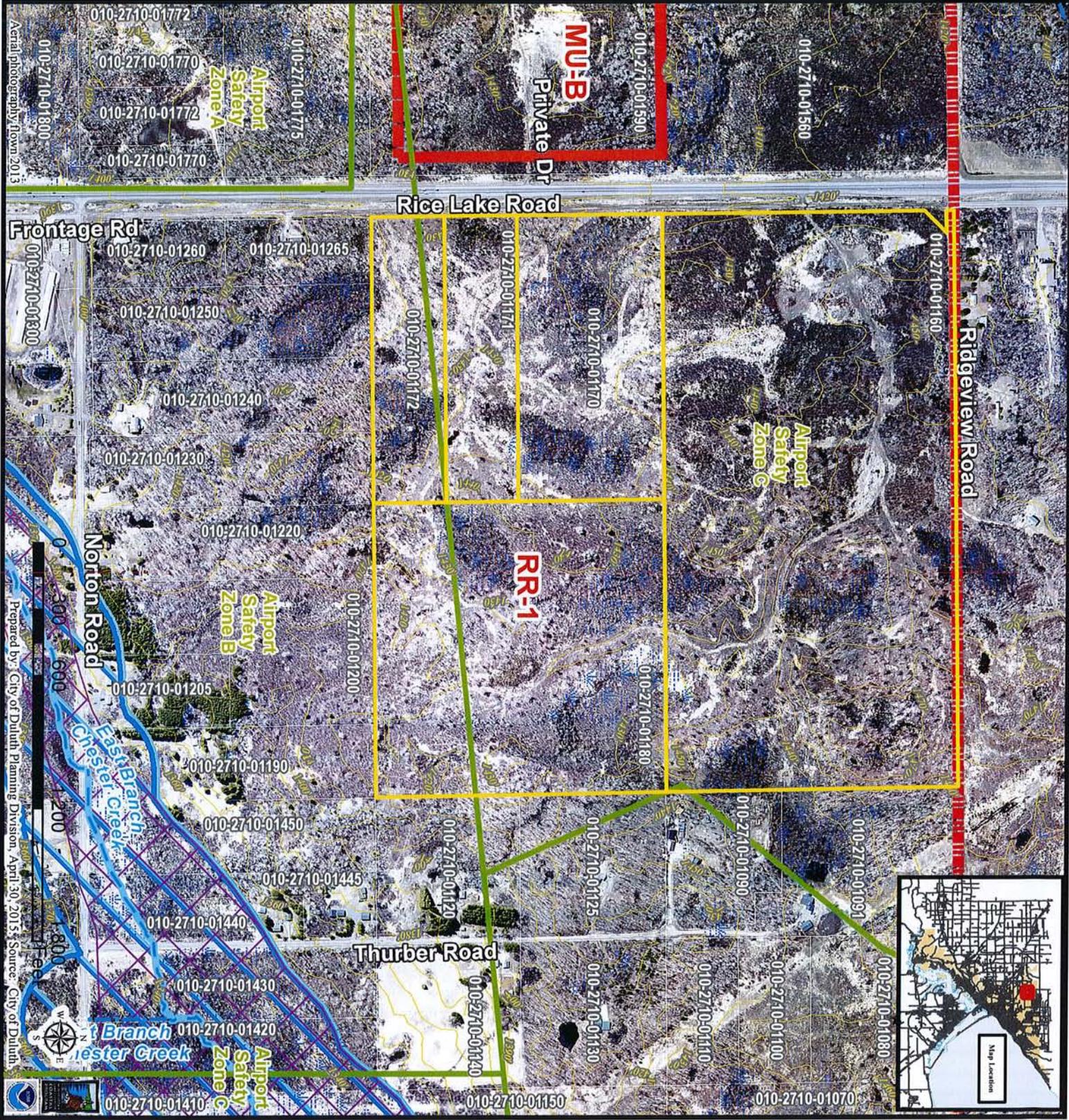
Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)



Legend

- Airport Safety Zones
- Zoning
- Trout Stream (GPS)
- Other Stream (GPS)
- Wetlands (NRRI)
- 10' Contour (elev. change)
- Vacated ROW
- Easement Type
- Other Easement
- Utility Easement
- Shoreland Overlay Zone
- Cold Water
- Natural Environment
- General Development
- Floodplain Type
- General Flood Plain
- Flood Way
- Flood Fringe

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.



Prepared by: City of Duluth Planning Division, April 30, 2015. Source: City of Duluth



City Planning

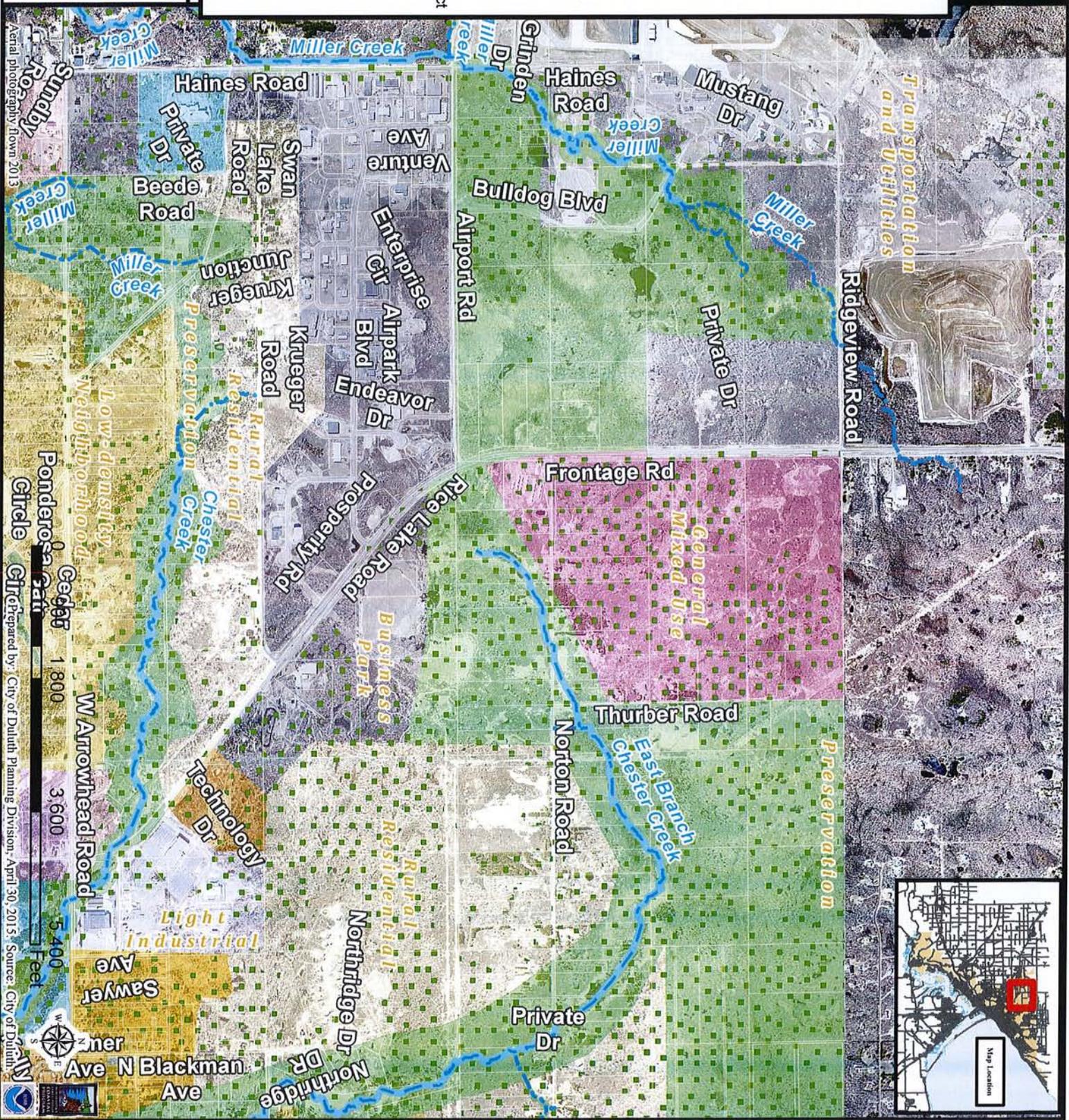
PL 15-064

46XX Rice Lake Rd. Future Land Use

Legend

- Trout Stream (GPS)
- Other Stream (GPS)
- 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
 - Sensitive Lands Overlay

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Aerial photography flown 2013
Prepared by: City of Duluth Planning Division, April 30, 2015. Source: City of Duluth

Uses Allowed in Residential-Rural 1 (RR-1) Zone District Revised January 5, 2015

Permitted Uses

- Dwelling, one family
- Residential care facility/assisted living (6 or fewer)
- Government building or public safety facility
- Park, playground, or forest reserve
- Religious assembly, small (less than 50,000 sq. ft.)
- School, elementary
- Agriculture, general
- Agriculture, urban
- Seasonal camp or cabin
- Day care facility, small (14 or fewer)

Special or Interim Uses

- Cemetery or mausoleum
- Religious assembly, large (50,000 sq. ft. or more)
- School, middle or high
- Kennel
- Riding Stable
- Veterinarian or animal hospital
- Golf course
- Recreational Vehicle Park
- Other outdoor entertainment or recreation use not listed
- Preschool
- Day care facility, large (15 or more)
- Mini-Storage Facility
- Garden material sales
- Mining, extraction and storage
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Radio or television broadcasting tower
- Solar, geothermal, or biomass power facility (primary use)
- Water or sewer pumping stations/reservoirs
- Wind power facility (primary use)
- Solid waste disposal or processing facility

Interim Uses

- Vacation dwelling unit

Uses Allowed in Mixed Use-Business Park (MU-B) Zone District Revised January 5, 2015

Permitted Uses

- Bus or rail transit station
- Government building or public safety facility
- Business art or vocational school
- Medical or dental clinic
- Kennel
- Veterinary or animal hospital
- Convention or event center
- Indoor entertainment facility
- Restaurant (less than 5,000 sq. ft.)
- Restaurant (5,000 sq. ft. or more)
- Hotel or motel
- Bed and breakfast
- Bank
- Office
- Data center
- Business park support activities
- Funeral home or crematorium
- Mini-storage facility
- Personal service and repair, small (less than 10,000 sq. ft.)
- Personal service and repair, large (10,000 sq. ft. or more)
- Building material sales
- Automobile and light vehicle repair service
- Automobile and light vehicle sales, rental or storage
- Filing station
- Parking lot or parking structure (primary use)
- Truck or heavy vehicle sales, rental, repair and storage
- Contractor's shop and storage yard
- Dry cleaning and laundry plant
- Research laboratories
- Industrial services
- Manufacturing, light
- Truck freight or transfer terminal
- Solar, geothermal, or biomass facility (primary use)
- Storage warehouse
- Wholesaling

Special Uses

- Cemetery or mausoleum
- Museum, library or art gallery
- Religious assembly, small (less than 50,000 sq ft)
- Religious assembly, large (50,000 sq. ft. or more)
- Other outdoor entertainment or recreation use not listed
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Radio or television broadcast tower
- Water or sewer pumping stations/reservoirs
- Wind power facility (primary use)
- Recycling collection point (primary use)
- Solid waste disposal or processing facility

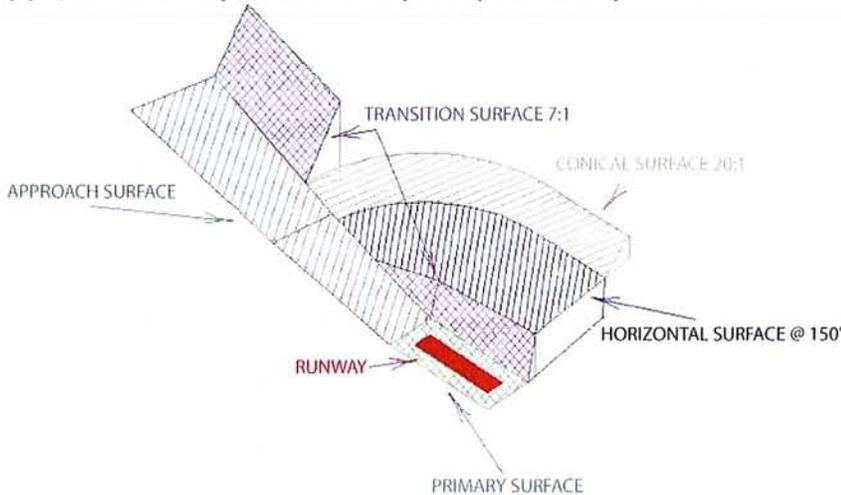
Excerpts from UDC Airport Overlay Zone - Sec. 50-18.2

Sec. 50-18.2.D. Air Space Obstruction Zones

3. Horizontal Zone

All land lying directly under an imaginary horizontal surface 150 ft. above the established airport elevation, or a height of 1,580 ft. above mean sea level for Duluth International Airport and 760 ft. above mean sea level for Sky Harbor Municipal Airport, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

- (a) 10,000 ft. for Duluth International Airport Runway 9-27 and 3-21;
- (b) 6,000 ft. for Sky Harbor Municipal Airport Runway 14-32.



Sec. 50-18.2.F. Land Use Restrictions

1. General

No use shall be made of any land in any land use safety zone that creates or causes interference with the operations of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport or otherwise endangers the landing, taking off or maneuvering of aircraft.

3. Zone B

Areas designated as Zone B shall be restricted in use as follows:

- (a) Each use shall be on a site of not less than 3 acres;
- (b) Each use shall not create, attract or bring together a site population that would exceed 15 times that of the site acreage. Compliance with this subsection shall be determined by multiplying the number of required parking spaces for each use on the site by the vehicle occupancy rates for each use on the site, as provided in Table 50-18.2.-1;

TABLE 50-18.2-1: Vehicle Occupancy Rates

Land Use	Vehicle Occupancy Rate
Industrial / Storage / Transportation	1.2
Educational	1.2
Health Care	1.7
Retail Store	1.5
Restaurant / Community and Cultural Facility / Recreational	2.0

Example: The site population for a 1,500 sq. ft. restaurant is calculated as follows: 15 (i.e., 1 parking space per 100 sq. ft) X 2.0 (i.e., vehicle occupancy rate) = 30 people. Therefore, the site would need to be at least 2 acres in size to meet the 15 people / acre maximum site population limit.

- (c) Each site shall have no more than one building plot upon which any number of structures may be erected;
- (d) A building plot shall be a single, uniform and non-contrived area, whose shape is uncomplicated and whose area shall not exceed the following minimum ratios with respect to the total site area:

Site area	Ratio of site area to building plot area	Building plot area (sq. ft)
3.00 – 3.99 acres	12:1	10,900
3:00 – 5.99 acres	10:1	17,400
6:00 – 9.99 acres	8:1	32,700
10:00 – 19.99 acres	6:1	72,600
20:00 acres or more	4:1	218,000

(e) The following uses are specifically prohibited in Zone B: churches, hospitals, schools, theaters, stadiums, hotels, motels, trailer courts, campgrounds and other places of frequent public or semi public assembly.

4. Zone C

Zone C is subject only to height restrictions set forth in subsection 50-18.2.D above and to the general restrictions contained in subsection F.1 above.

Request Description

The property included in this request is 160 acres in size and is located on the east side of Rice Lake Road directly south of the Ridgeview Road. The property is owned in whole by J LH Properties of Duluth, LLC. The property is currently zoned RR-1.

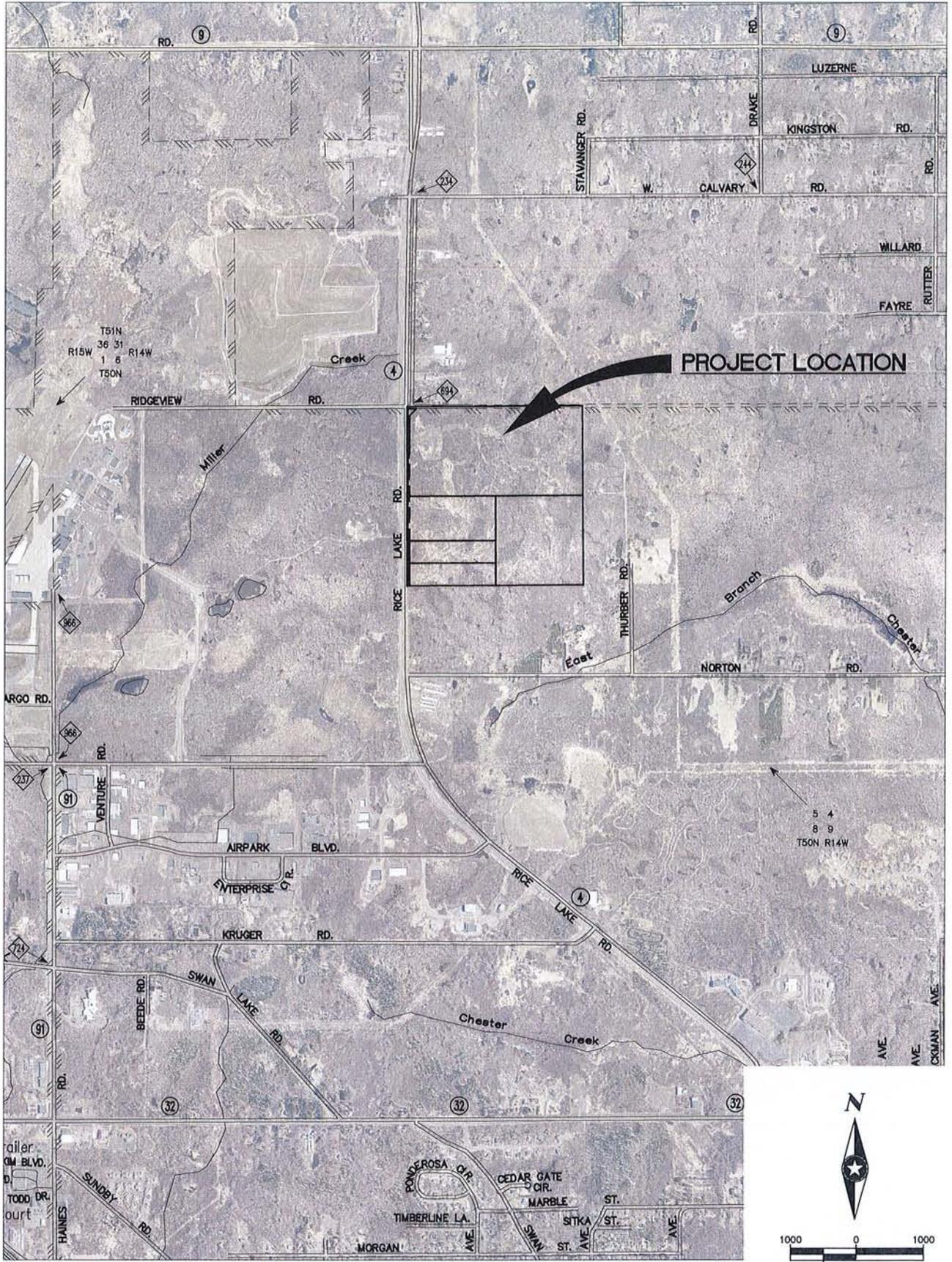
The Rice Lake Road corridor in Duluth from Arrowhead Road to Ridgeview Road has seen past and recent development that has primarily been commercial in nature. This includes Minnesota Power, Health Partners, North Star Academy campus, Arrowhead Tennis, access to Duluth Airpark Industrial lots, and Storage King. The subject property is located at the north end of this corridor.

The request is to rezone the property to MU-B. This will allow for commercial and light industrial lots to be created which will mix well with the current land uses on this corridor. There has also been a need identified to create more commercial lots in the 2.5 – 5 acre size in Duluth. The rezoning of this property would help fill this need.

The Comprehensive Plan identified the future land use in this area as General Mixed Use. The zoning change proposed would be in accordance with the Duluth Comprehensive Plan. Rezoning to MU-B would also create an opportunity for commercial and industrial taxes to be generated from the property.

This land is also located at the 27 end of Runway 927 of the Duluth Airport. The property is within the Duluth Airport Safety Zone C which has height restrictions. The planned development would not be in conflict with the Safety Zone C restrictions.

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FILE NO.
 NOCON 131068
 DATE:
 04/09/2015

VICINITY MAP
 JLH PROPERTIES OF DULUTH
 DULUTH, MINNESOTA

EXHIBIT
 NO. 1

RECEIVED APR 10 2015

- ① The North one-half of Northwest Quarter, Section 5, Township 50 North of Range 14 West of the Fourth Principle Meridian, St. Louis County, Minnesota.
- ② The Southeast Quarter of Northwest Quarter, Section 5, Township 50 North of Range 14 West of the Fourth Principle Meridian, St. Louis County, Minnesota.
- ③ The Southwest Quarter of Northwest Quarter, Section 5, Township 50 North of Range 14 West of the Fourth Principle Meridian, St. Louis County, Minnesota.
- ④
- ⑤



SEH

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www.sehinc.com

FILE NO.	NOCON 131068
DATE:	04/09/2015

LEGAL DESCRIPTIONS
JLH PROPERTIES OF DULUTH
DULUTH, MINNESOTA

EXHIBIT NO. 2