CITY OF DULUTH
Planning Division

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STAFF REPORT

File Number	PL 15-105	**Contact**	Jenn Reed Moses, jmoses@duluthmn.gov		
Application Type	UDC Map Amendment	**Planning Commission Date**	August 11, 2015		
Deadline for Action	**Application Date**	July 7, 2015	**60 Days**	September 5, 2015	
	Date Extension Letter Mailed	July 29, 2015	**120 Days**	November 4, 2015	
Location of Subject	2421 London Road				
Applicant	Michael Tegethoff	**Contact**	605-310-0595, miketegethoff@gmail.com		
Agent	N/A	**Contact**	N/A		
Legal Description	Lot 11 Block 46 Harrison's Division and Lot 11 Block 30 Endion Division of Duluth				
Site Visit Date	July 29, 2015	**Sign Notice Date**	April 27, 2015		
Neighbor Letter Date	July 28, 2015	**Number of Letters Sent**	31		

Proposal

Applicant is requesting to rezone from Residential-Traditional (R-1) to Mixed Use-Neighborhood (MU-N).

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Single-family residential	Neighborhood Mixed Use
North	R-1	Single-family residential	Traditional Neighborhood
South	MU-N	Hotel/waterpark, gas station	Central Business Secondary
East	R-1	Single-family residential	Neighborhood Mixed Use
West	R-1	Single-family residential	Neighborhood Mixed Use

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.

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

Governing Principle #8 - Encourage mix of activities, uses, and densities.

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.

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. Consistent with the future land use designation of Neighborhood Mixed Use, this zone district would provide a transition between the hotel and waterpark to the south and residential neighborhoods to the north. 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.

3.) Applicant intends to reuse the existing house as offices for a mental health facility, classified as "medical and dental clinic" in the UDC. Note that once the property is rezoned, any permitted or special use in the MU-N district would be allowed.

4.) Any future development or redevelopment on the property, including but not limited to a new primary building, parking lot, or exterior lighting, will have to comply with all UDC standards. These standards including landscaping and buffering to minimize impacts on surrounding residential properties.

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.) Two phone calls 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-N zone district is consistent with the future land use category of Neighborhood Mixed Use.

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

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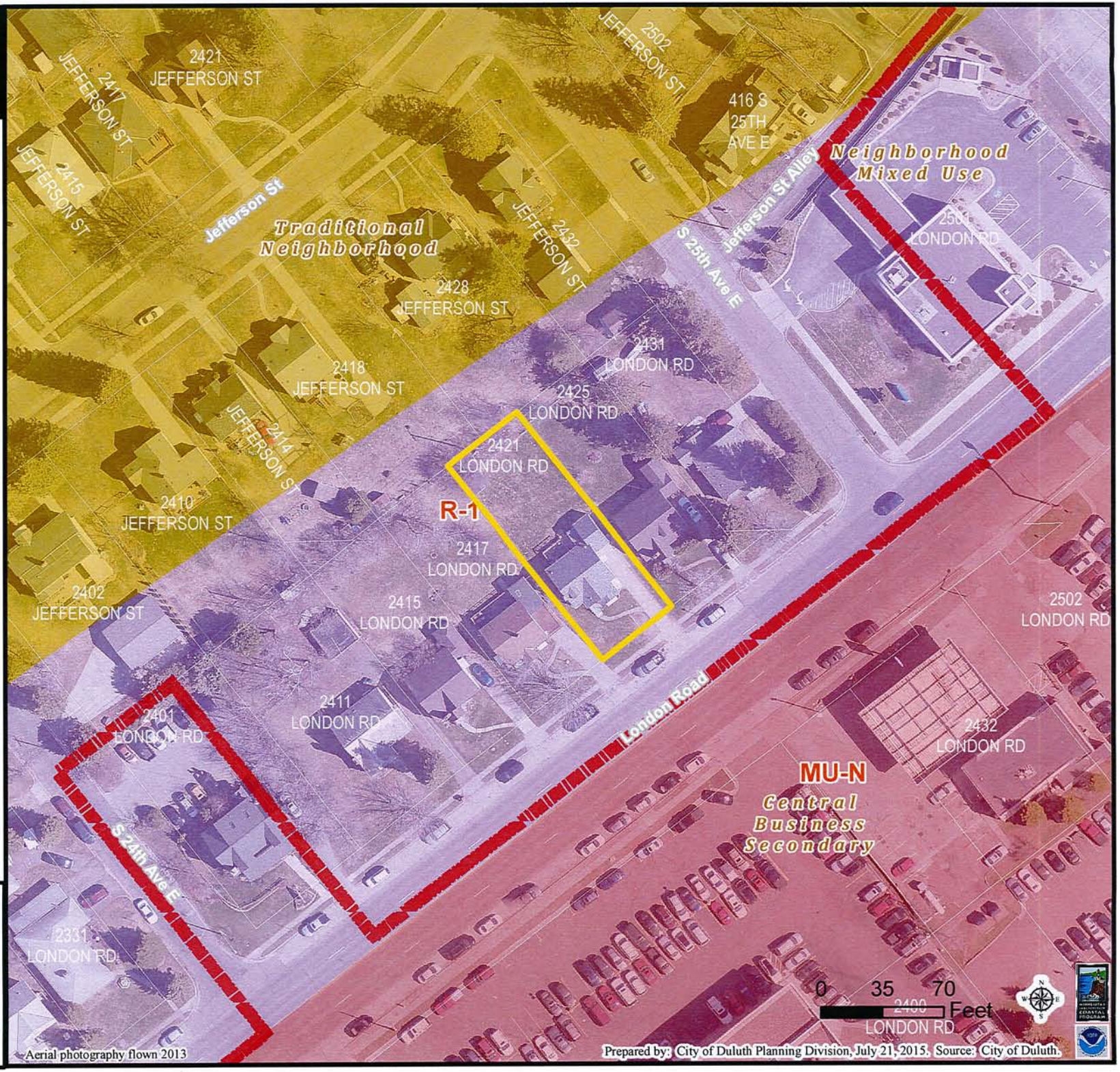
Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)

City Planning

PL 15-105
2421 London Road



Legend

- Trout Stream (GPS)
- Other Stream (GPS)

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.

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2421 London Road

Site Photos

Uses Allowed in Mixed Use-Neighborhood (MU-N) Zone District
Revised January 5, 2015

Permitted Uses

- Dwelling, one family
- Dwelling, two-family
- Dwelling, townhouse
- Dwelling, multi-family
- Dwelling, live-work
- Co-housing facility
- Residential care facility/assisted living (6 or fewer)
- Residential care facility/assisted living (7 or more)
- Rooming house
- Bus or rail transit station
- Club or lodge (private)
- Government building or public safety facility
- Museum, library, or art gallery
- Park, playground, or forest reserve
- Religious assembly, small (less than 50,000 sq. ft. or more)
- Religious assembly, large (50,000 sq. ft. or more)
- Business, art, or vocational school
- School, elementary
- Medical or dental clinic
- Nursing home
- Agricultural, Urban
- Veterinary or animal hospital
- Bed and breakfast
- Office
- Preschool
- Day care facility, small (14 or fewer)
- Day care facility, large (15 or more)
- Personal service and repair, small (less than 10,000 sq ft)
- Grocery store, small (less than 15,000 sq ft)
- Retail store not listed, small (less than 15,000 sq ft)

Special Uses

- Manufactured Home Park
- Cemetery or mausoleum
- School, middle or high
- Bank
- Data Center
- Restaurant (less than 5,000 sq ft)
- Theater
- Hotel or motel
- Funeral Home or Crematorium
- Personal service and repair, large (10,000 sq ft or more)
- Automobile and light vehicle repair and service
- Filling Station
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Water or sewer pumping stations/reservoirs

Interim Uses

- Vacation dwelling unit

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