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 15-124		**Contact**	Jenn Reed Moses, jmoses@duluthmn.gov	
Application Type	UDC Map Amendment		**Planning Commission Date**	September 9, 2015	
Deadline for Action	**Application Date**	August 5, 2015	**60 Days**	October 4, 2015	
	Date Extension Letter Mailed	August 19, 2015	**120 Days**	December 3, 2015	
Location of Subject	1243 88th Avenue W - former Morgan Park School				
Applicant	SDH&M, LLC		**Contact**	Aaron Schweiger, schweiger.aaron@gmail.com	
Agent	Scalzo Architects		**Contact**	Bill Scalzo, wscalzo@scalzoarchitects.com	
Legal Description	Part of Block 13, MORGAN PARK OF DULUTH, as shown on Rezoning Sketch				
Site Visit Date	August 24, 2015		**Sign Notice Date**	August 21, 2015	
Neighbor Letter Date	August 20, 2015		**Number of Letters Sent**	94	

Proposal

Applicant is requesting to rezone the site of the former Morgan Park school from Residential-Traditional (R-1) to a) Residential-Urban (R-2) on the western half, and b) Mixed Use-Neighborhood (MU-N) on the eastern half.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Former school site	General Mixed Use
North	R-1, MU-N	Residential, Undeveloped	Traditional Neighborhood
South	R-2	Residential	Traditional Neighborhood
East	R-1	Park	Recreation
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.

II-B-1

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

Governing Principle #1 - Reuse previously developed lands.
Governing Principle #8 - Encourage mix of activities, uses, and densities.

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.

When UDC was created in 2010, the general guidance created at the time was that areas with a Future Land Use of General Mixed Use could be rezoned to Mixed Use - Business Park (MU-B).

In 2011, a planning process for the Morgan Park School site recommended that the future land use be changed from Institutional to General Mixed Use (FN 11-032) to allow for a wider variety of uses for the existing school property.

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 land use designation of General Mixed Use includes office, commercial, and residential; all are uses that are allowed in the MU-N district. The R-2 district allows residential as well as small-scale, neighborhood-serving residential. The proposed rezoning would implement the wider variety of uses desired per the 2011 planning process for this site. While the land use designation would also support MU-B, the MU-B district is a higher intensity district that does not allow residential uses on the site. Staff finds that the proposed mix of MU-N focused on 88th Avenue W and R-2 on the remaining half of the site is appropriate.

3.) 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.

4.) 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).

5.) One email has been 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 and R-2 zone districts are consistent with the future land use category of General Mixed Use, and with previous planning for this site.

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 15-124
1243 88th Avenue W

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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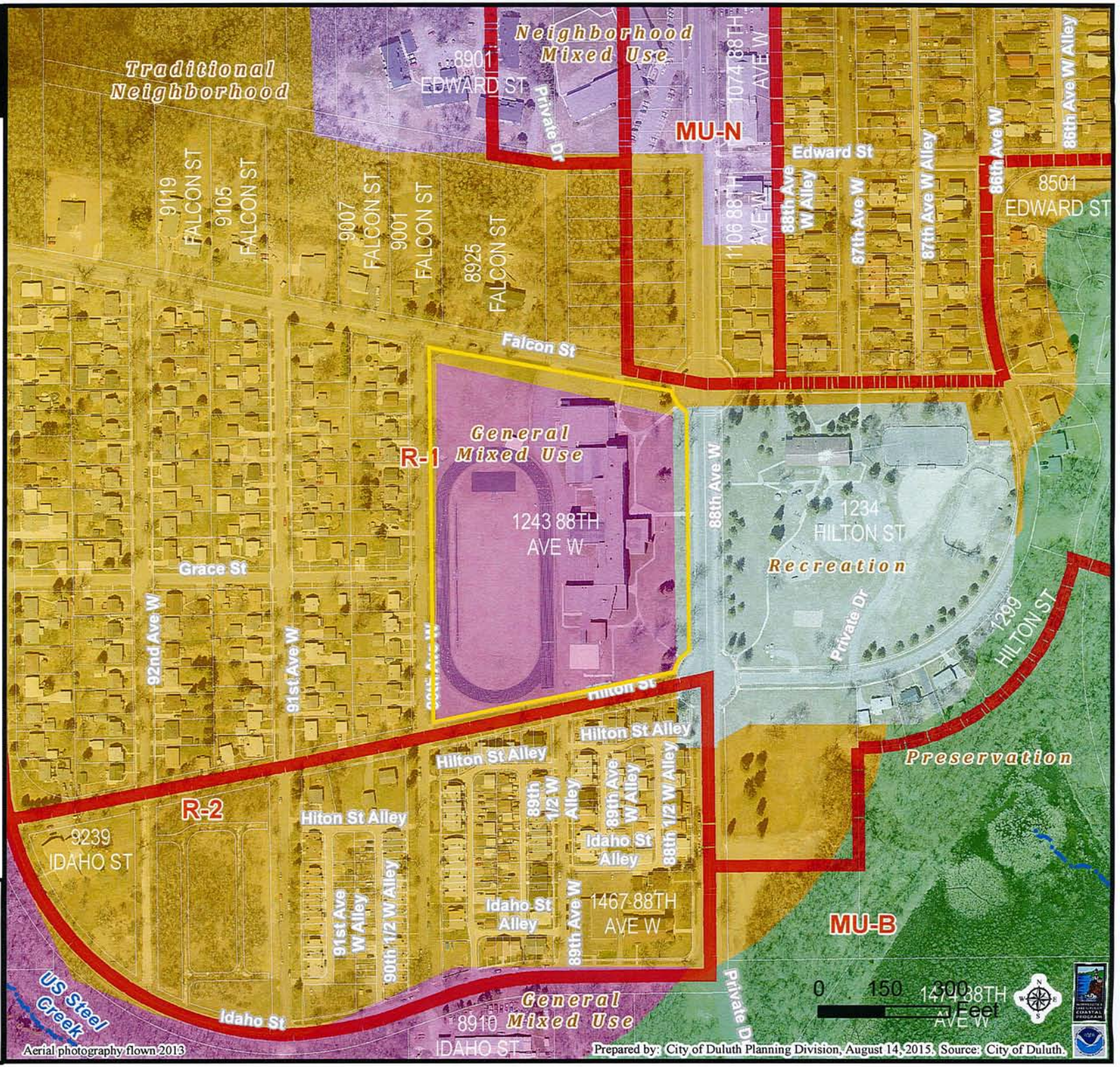

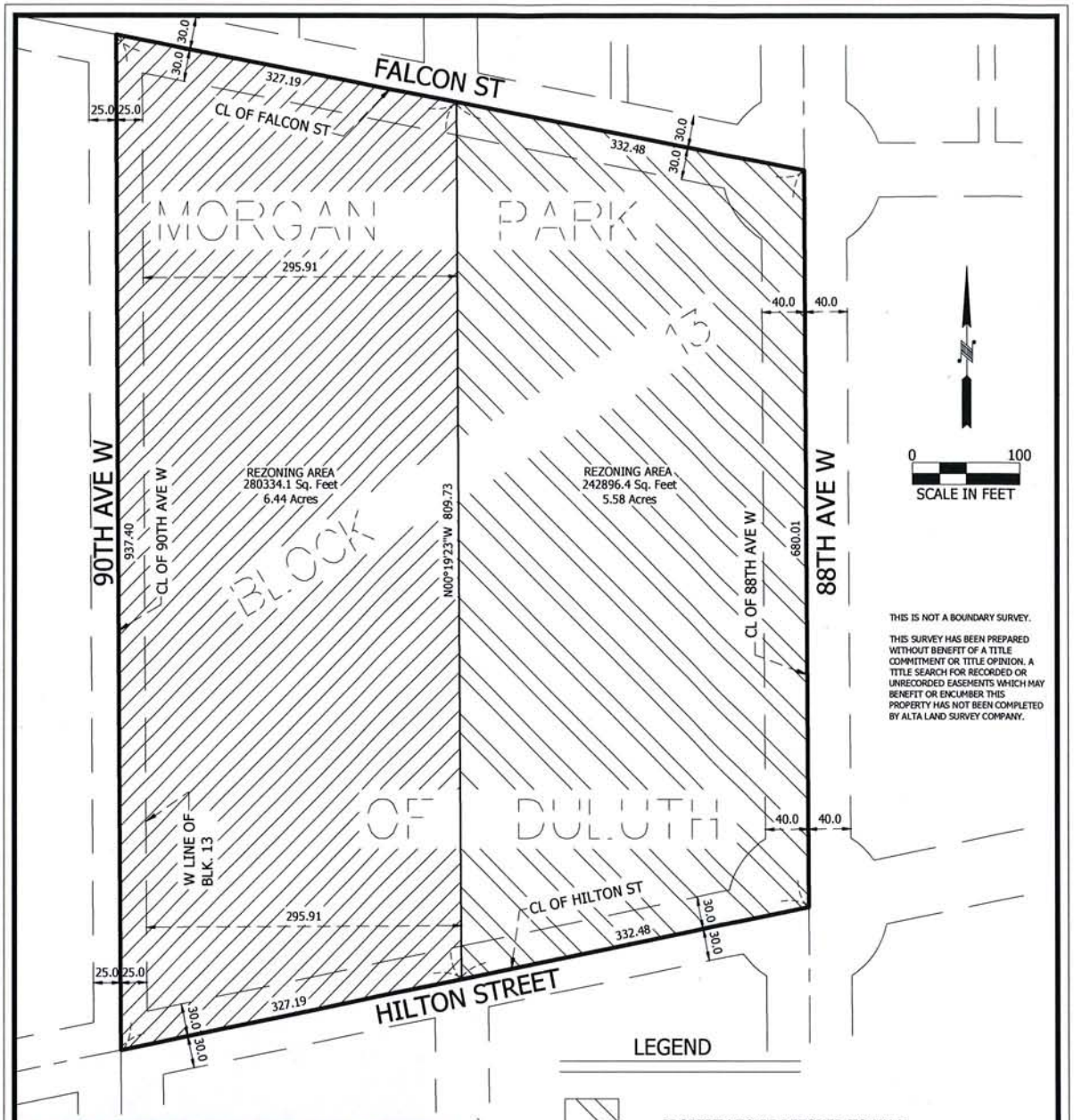

THIS IS NOT A BOUNDARY SURVEY.

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.

LEGEND

PROPERTY TO BE REZONED TO MU-N

PROPERTY TO BE REZONED TO R-2

VICINITY MAP
NO SCALE

LEGAL DESCRIPTION OF PROPERTY TO BE REZONED R-2

That part of Block 13, MORGAN PARK OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota bounded as follows:

On the South by the center line of Hilton Street as dedicated on said MORGAN PARK OF DULUTH.
On the West by the center line of 90th Avenue West as dedicated on said MORGAN PARK OF DULUTH.
On the North by the center line of Falcon Street as dedicated on said MORGAN PARK OF DULUTH.
On the East by a line 295.91 feet Easterly and parallel with the West line of Block 13, said MORGAN PARK OF DULUTH.

Said parcel contains 280334.1 sq. ft or 6.44 acres.

LEGAL DESCRIPTION OF PROPER TO BE REZONED MU-N

That part of Block 13, MORGAN PARK OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota bounded as follows:

On the South by the center line of Hilton Street as dedicated on said MORGAN PARK OF DULUTH.
On the West by a line 295.91 feet Easterly and parallel with the West line of Block 13, said MORGAN PARK OF DULUTH.
On the North by the center line of Falcon Street as dedicated on said MORGAN PARK OF DULUTH.
On the East by the center line of 88th Avenue West as dedicated on said MORGAN PARK OF DULUTH.

Said parcel contains 242896.4 sq. ft or 5.58 acres.

REZONING SKETCH	
CLIENT: SDH&M LLC	REVISIONS: XXX
DATE: 8-17-2015	
ADDRESS: 1243 88TH AVE W	
JOB NUMBER: 15-202	

ALTA
LAND SURVEY COMPANY
* LAND SURVEYING
* LAND DEVELOPMENT
* PLATTING
* LEGAL DESCRIPTIONS
* CONSTRUCTION STAKING
PHONE: 218-727-5211
LICENSED IN MN & WI
CERTIFIED FEDERAL SURVEYOR
WWW. ALTALANDSURVEYDULUTH.COM

B-4

Uses Allowed in Residential-Urban (R-2) Zone District
Revised January 5, 2015

Permitted Uses

- Dwelling, one family
- Dwelling, two family
- Dwelling, townhouse
- Dwelling, multifamily
- Residential care facility/assisted living (6 or fewer)
- Residential care facility/assisted living (7 or more)
- Government building or public safety building
- Park, playground, or forest reserve
- Religious assembly, small (less than 50,000 sq. ft. or more)
- School, elementary
- Nursing home
- Agriculture, urban
- Veterinarian or animal hospital
- Bed and breakfast
- Preschool
- Day care facility, small (14 or fewer)

Special Uses

- Manufactured Housing Park
- Co-housing facility
- Rooming house
- Cemetery or mausoleum
- Club or lodge (private)
- Museum, library, or art gallery
- Religious assembly, large (50,000 sq. ft. or more)
- School, middle or high
- Medical or dental clinic
- Restaurant (less than 5,000 sq. ft.)
- Office
- Day care facility, large (15 or more)
- Funeral Home or crematorium
- Retail store not listed, small (less than 15,000 sq. ft.)
- 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

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

B-6

Jennifer Moses

From: George Ruetschi <paparuch@hotmail.com>
Sent: Tuesday, August 25, 2015 4:08 PM
To: Jennifer Moses
Subject: re: Morgan Park Development

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Jenn, my name is George Ruetschi. I am a resident of Morgan Park I received your letter of public hearing and have several questions.When a zoning petition is received is there an impact study or urban planning paper done?I would hope that two major rezoning amendments would require some more in depth examination then the volume of public protest generated by the people in the immediate neighborhood,especially when most of the people effected are elderly,working poor,single parent households,that have neither the means or health problems that prevent them from voicing an opinion.I for one have heard nothing but conflicting statements on this whole project,no information other then your letter.How exactly are the people in this community supposed to make an informed decision when we have been kept in the dark or blindsided by one proposal after another?Morgan Park is a fragile community isolated by its unique historic design and its location in the far west of Duluth the last thing we need is concentration of rental housing in a community that already been deemed a "food desert".Any information you can give us on procedures or rules governing public hearings would be greatly appreciated .Hope to hear from you soon.

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1243 88th Avenue W

Site Photos

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