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 15-164		**Contact**	Jenn Reed Moses, jmoses@duluthmn.gov	
Application Type	UDC Map Amendment		**Planning Commission Date**	November 10, 2015	
Deadline for Action	**Application Date**	October 6, 2015	**60 Days**	December 5, 2015	
	Date Extension Letter Mailed	October 21, 2015	**120 Days**	February 3, 2016	
Location of Subject	3215 W Arrowhead Road				
Applicant	Minnesota Power		**Contact**		
Agent	Daniel McCourtney		**Contact**	218-355-3515, dmccourtney@allete.com	
Legal Description	See attached				
Site Visit Date	N/A		**Sign Notice Date**	October 17, 2015	
Neighbor Letter Date	October 23, 2015		**Number of Letters Sent**	12	

Proposal

Applicant is requesting to rezone from Residential-Traditional (R-1) to Mixed Use-Business (MU-B). Minnesota Power has stated its intent to place a 40kw solar array on this site.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Undeveloped	Light Industrial, Preservation
North	MU-B	Light industrial/business park	Light Industrial, Preservation
South	R-1	Undeveloped	Neighborhood Mixed Use
East	MU-B	Light industrial/business park	Light Industrial, Preservation
West	MU-N	Commercial (gas station)	Auto Oriented Commercial

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):

Future Land Use - Light Industrial: Areas for manufacturing, warehousing and distribution; uses that have few outside impacts, and can be located in relative proximity to non-industrial uses.

Future Land Use - Preservation: Lands with substantial restrictions. High natural resource or scenic value, or severe development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls. (Note that area shown as Preservation is also governed as a Shoreland to provide protections to stream).

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 MU-B zone district is consistent with the future land use designation of Light Industrial. The purpose of the MU-B district is to accommodate modern light industrial and technology-based developments of attractive integrated design and function. The existing NR-O (Natural Resources Overlay) district will remain within the area 300 feet from the stream; this Overlay is consistent with the future land use of Preservation.

3.) Applicant intends to use the property for a 40kw solar installation. Note that once the property is rezoned, any permitted or special use in the MU-B district would be allowed.

4.) Any future development or redevelopment on the property will have to comply with all UDC standards.

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.) St. Louis County Engineering has indicated that Rice Lake Road is a controlled access road, and that new access would not be granted (applicant states no changes to access will be needed for the solar array). 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-B zone district is consistent with the future land use category of Light Industrial.

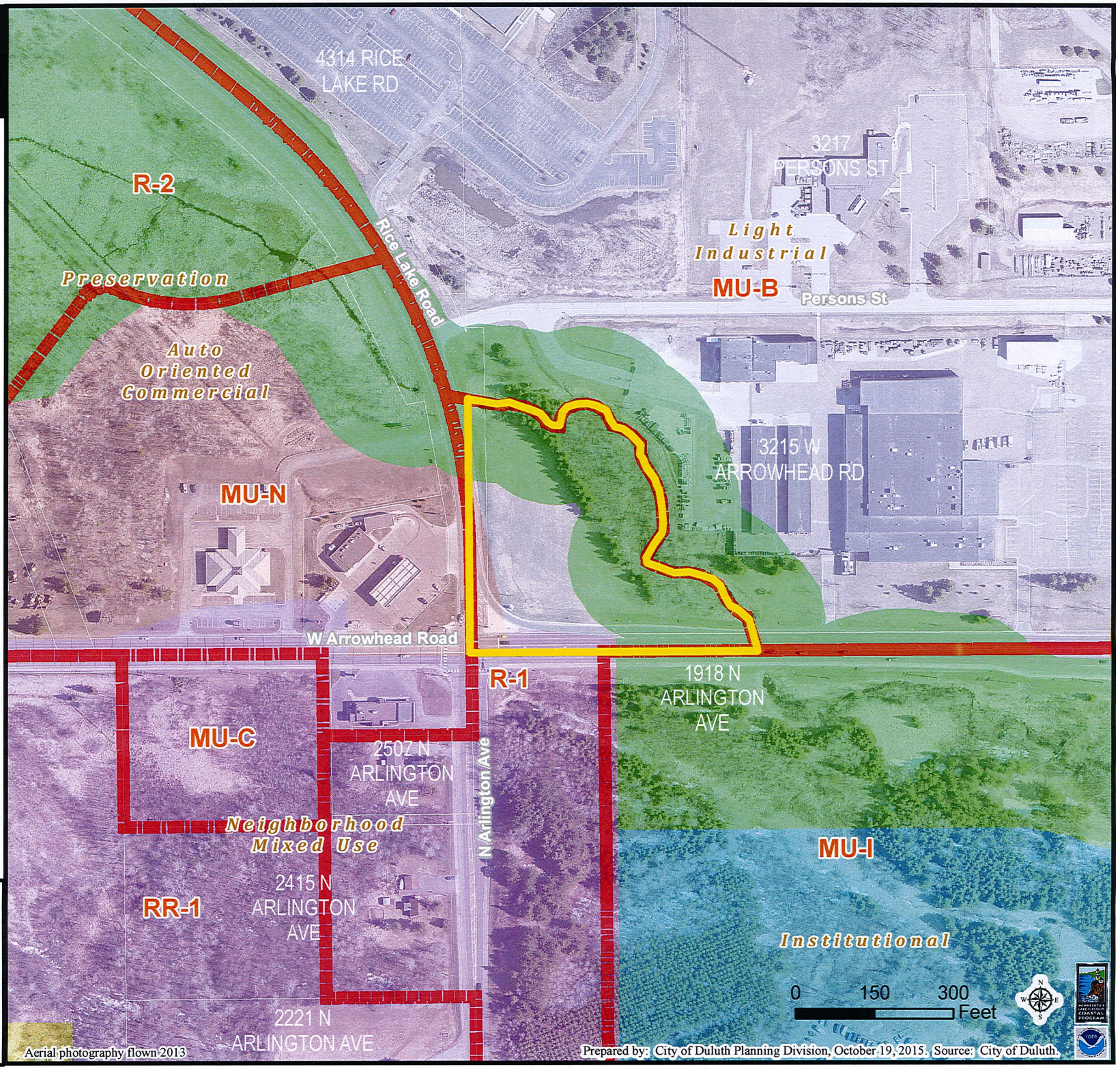
3.) Material adverse impacts on nearby properties are not anticipated.

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

City Planning

PL 15-164

3215 W Arrowhead Road



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.

C-3

MN POWER & LIGHT CO. INC.
PIN 010-0570-00050

CURRENT ZONING: R-1

PROPOSED ZONING: MU-B

SURVEY DESCRIPTION OF RE-ZONED AREA:

Proposed Description for Re-Zoning:

All that part of Blocks 29 and 30, including those vacated streets and alleys lying within and adjacent to said blocks, CLIFTON HEIGHTS SECOND DIVISION, St. Louis County, Minnesota, lying southwesterly of Chester Creek, more specifically described as follows:

Beginning at the southwest corner of said plat of CLIFTON HEIGHTS SECOND DIVISION, said point also being known as the Southwest Corner of Section 9, T 50 N, R 14 W; thence South 89 degrees 59 minutes 52 seconds East, assigned bearing, along the south line of said section 9, a distance of 541 feet to the centerline of Chester Creek; thence northerly and northwesterly along the said Chester Creek centerline to the west line of said Section 9; thence South 00 degrees 39 minutes 28 seconds East a distance of 490 feet to the point of beginning and there terminating.

Existing Property Description from COT 214896:

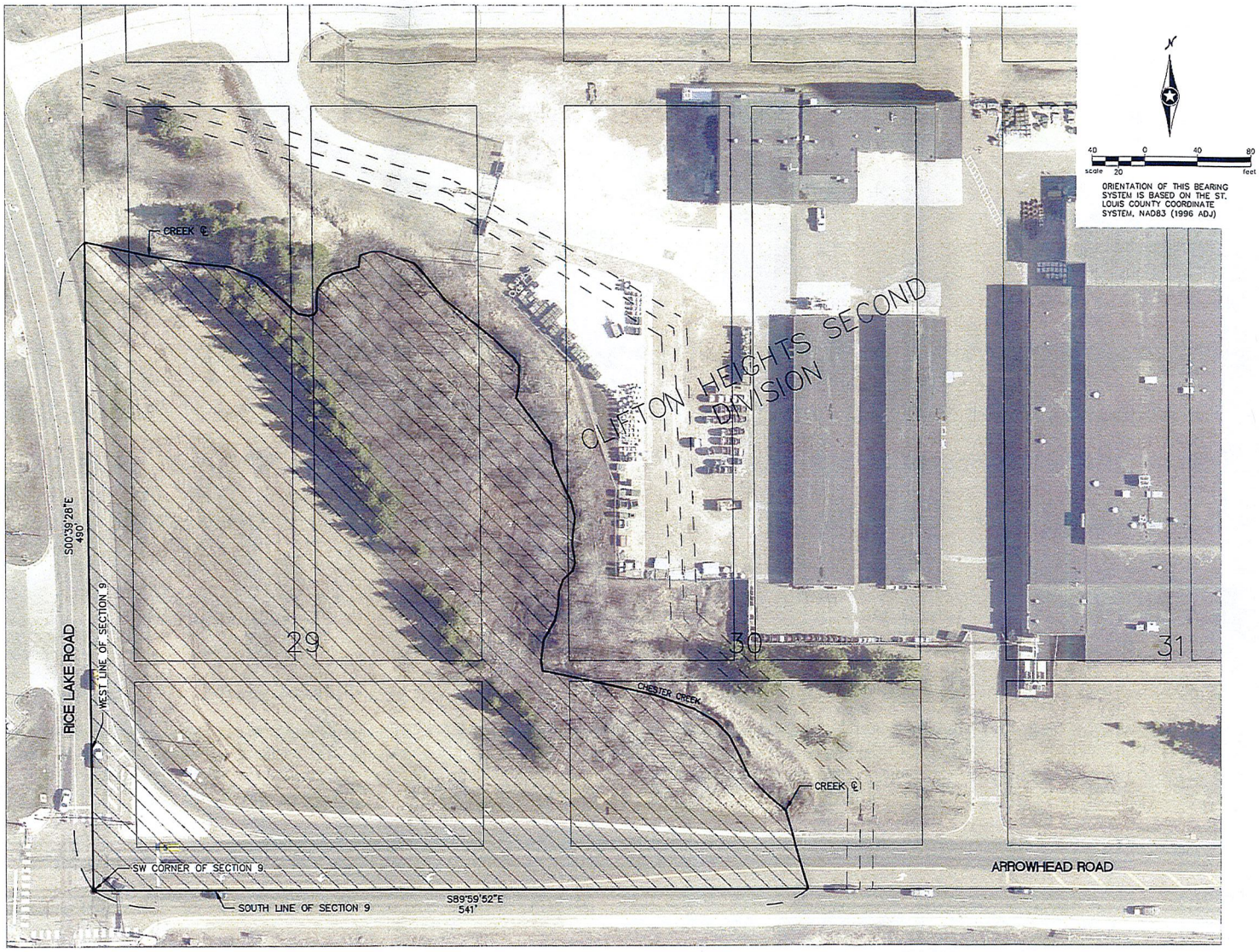
All of Blocks 29, 30, 31, and 32, together with all of the vacated alleys in said blocks; All of vacated Bird Avenue lying between the northerly line of St. Marie Street, also known as Arrowhead Road, and the southerly line of Persons Street;

All of vacated Clifton Avenue, also known as Backus Avenue, lying between the northerly line of St. Marie Street, also known as Arrowhead Road, and the southerly line of Persons Street;

All of vacated Florence Avenue lying between the northerly line of St. Marie Street, also known as Arrowhead Road, and the southerly line of Persons Street;

All in CLIFTON HEIGHTS SECOND DIVISION.

CONTAINS APPROXIMATELY 4.21 AC



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DRAWN BY: ACO/KLA SURVEYED BY: KLA CHECKED BY: CAL SURVEY TEAM	NO.	BY	DATE	REVISIONS	October 5, 2015	SEH PHONE: 218.279.3000 418 W SUPERIOR ST STE 200 DULUTH, MN 55802-1512 www.sehinc.com	DULUTH, MINNESOTA	MINNESOTA POWER RE-ZONING EXHIBIT	FILE NO. MNPOW 134431	1/1

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C-4

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)
- Sold waste disposal or processing facility

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