



CITY OF DULUTH

Planning Division

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STAFF REPORT

File Number	PL 15-168	Contact	John Kelley, jkelley@duluthmn.gov	
Application Type	UDC Map Amendment	Planning Commission Date	November 10, 2015	
Deadline for Action	Application Date	N/A	60 Days	N/A
	Date Extension Letter Mailed	N/A	120 Days	N/A
Location of Subject	West end of Devonshire Street Parcel ID# 010-2700-00050			
Applicant	City of Duluth	Contact	John Kelley, jkelley@duluthmn.gov	
Agent	City of Duluth, Planning Division	Contact	John Kelley, jkelley@duluthmn.gov	
Legal Description	See attached			
Site Visit Date	October 30, 2015	Sign Notice Date	September 29, 2015	
Neighbor Letter Date	N/A	Number of Letters Sent	N/A	

Proposal

Rezoning an approximately 4.6 acre parcel located at the west end of Devonshire Street adjacent to the Lincoln Park Middle School from the current zoning district of Residential-Rural 1 (RR-1) to Residential- Traditional (R-1).

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	RR-1	Undeveloped	Traditional Neighborhood
North	RR-1	ISD 709	Traditional Neighborhood
South	R-1	Homes	Traditional Neighborhood
East	R-1	Homes	Traditional Neighborhood
West	RR-1	ISD 709	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. A-1

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

Future Land Use:

Traditional Neighborhood - Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home-businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects and neighborhood extensions, and new traditional neighborhood areas.

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

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.) The parcel is currently in tax forfeit status and is managed by St. Louis County for the State of Minnesota. The lot is unplatted and is zoned RR-1. The RR-1 zone district allows for residential development with a minimum lot area of 5 acres. The parcel is approximately 4.6 acres and is considered a legal nonconforming lot as it does not meet minimum lots area. Access to the parcel can be gained from the west end of Devonshire Street and the unimproved portion of Anson Avenue. The City will secure an alley easement from St. Louis County for the extension of the Devonshire Street Alley along the southern portion of the parcel. The alley easement will assist in making the site more accessible for development in the proposed R-1 district.

3.) Good zoning practice requires that zone districts be consistent with the future land use category identified for the area. The R-1 district is established to accommodate traditional neighborhoods of single-family detached residences, duplexes and townhouses on moderately sized lots. This district is intended to be used primarily in established neighborhoods. Many of the dimensional standards in this district require development and redevelopment to be consistent with development patterns, building scale, and building location of nearby areas. The proposed rezoning to R-1 is reasonably related to the future land use map designation of Traditional Neighborhood and to the existing land use.

4.) No letters were received from the public. No other public, agency, or City comments have been received.

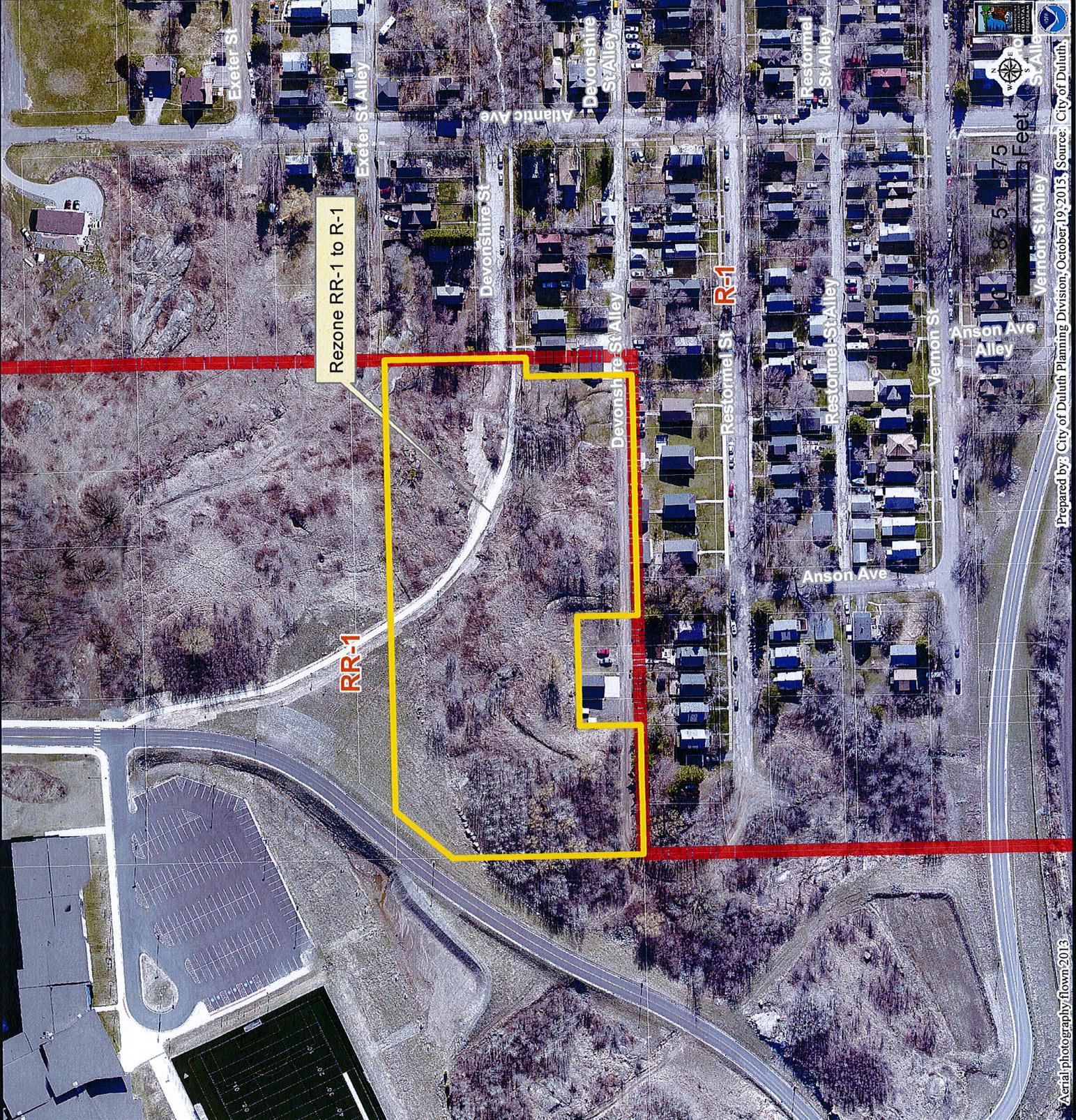
Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

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.
- 2.) The proposed R-1 zone district is consistent with the future land use category of Traditional Neighborhood.
- 3.) Material adverse impacts on nearby properties are not anticipated.

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

A-2



Legend
Zoning Boundaries
 Zoning Boundaries

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.



City Planning

PL 15-168

Rezone RR-1 to R-1

FLU Map

Legend

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

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A-4



Aerial photography, flown 2013

Prepared by: City of Duluth Planning Division, October, 19, 2015. Source: City of Duluth.

Legal Description

S1/2 OF SW1/4 OF NE1/4 OF NW1/4 EX ELY 25 FT OF SLY 141 FT & EX PART N OF & ADJACENT TO LOT 6 BLK 1 BRYANT ADDN 3RD DIV LYING BETWEEN THE EXTENDED E & W LOT LINES OF LOT 6 AND WITHIN 80 FT OF THE N LINE OF LOT 6 AND EX PART N OF & ADJACENT TO LOT 7 BLK 1 BRYANT ADDN 3RD DIV LYING BETWEEN THE EXTENDED E & W LOT LINES OF LOT 7 & WITHIN 80 FT OF THE N LINE OF LOT 7 & EX PART N OF & ADJACENT TO LOT 8 BLK 1 BRYANT ADDN 3RD DIV LYING BETWEEN THE EXTENDED E & W LINES OF LOT 8 & WITHIN 80 FT OF THE N LINE OF LOT 8 & EX PART N OF AND ADJACENT TO LOT 9 BLK 1 BRYANT ADDN 3RD DIV LYING BETWEEN THE EXTENDED E & W LINES OF LOT 9 & WITHIN 80 FT OF THE N LINE OF LOT 9 & EX THAT PART OF S1/2 OF SW1/4 OF NE1/4 OF NW1/4 BEG AT NW COR OF S1/2 OF SW1/4 OF NE1/4 OF NW1/4 THENCE N89DEG06'03"E ALONG THE N LINE OF SAID S1/2 OF SW1/4 OF NE1/4 OF NW1/4 A DISTANCE OF 63.67 FT THENCE S39DEG01'38"W A DISTANCE OF 99.5 FT TO A PT ON W LINE OF SAID S1/2 OF SW1/4 OF NE1/4 OF NW1/4 THENCE N0DEG45'17"W ALONG SAID W LINE 76.31 FT TO PT OF BEG

Sec 5 Twp 49 Rge 14