



CITY OF DULUTH

Planning Division

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STAFF REPORT

File Number	PL 15-171	Contact	John Kelley, jkelley@duluthmn.gov	
Application Type	UDC Map Amendment	Planning Commission Date	December 8, 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	S. 22rd Ave E to S. 26th Ave E & S. 23rd Ave E to S. 25th Ave E			
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 list of parcels			
Site Visit Date	November 25, 2015	Sign Notice Date	November 24, 2015	
Neighbor Letter Date	November 5, 2015	Number of Letters Sent	99	

Proposal

Rezoning the area from South 22nd Ave E. to South 27th Ave. East between London Road and I-35 from Mixed Use Neighborhood (MU-N) and Mixed Use- Business Park (MU-B) to Mixed Use –Commercial (MU-C). Also the area from South 23rd Avenue East to South 25th Avenue East between London Road and the rear property line of the parcels facing London Road from Traditional Neighborhood (R-1) to Mixed Use Neighborhood (MU-N).

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1, MU-N, MU-B	Single-family residential, Com.	Neighborhood Mixed Use
North	R-1, MU-N	Single-family residential	Traditional Neighborhood
South	MU-N, MU-B	Commercial, Freeway	Central Business Secondary, Trans & Utilities
East	MU-N	Commercial, Freeway	Neighborhood Mixed Use, Trans & Utilities
West	MUC, MUN	Commercial	Neighborhood Mixed Use, Central Bus Secondary

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.

H.A.-1

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.

Central Business Secondary - An area adjacent to and supporting the primary central business area or a stand-alone area providing a similar mix of destination land uses but at a lower intensity than the primary CB area. Includes mixed regional and neighborhood retail, employment centers, public spaces, medium density residential, and public parking facilities

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 proposed zone districts of MU-C and MU-N are consistent with the future land use designation of Central Business Secondary and Neighborhood Mixed Use and reasonably related to the existing land use.
- 3.) 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. This zone district would provide a transition between the hotel and waterpark to the south and residential neighborhoods to the north.
- 4.) The purpose of the MU-C zone district is to provide for community and regional commercial development along commercial corridors and nodal centers. Intended non-residential uses include retail, lodging, service, and recreational facilities needed to support the community and region. The area to be rezoned to MU-C is currently zoned MU-N and MU-B, with the majority of the area used for commercial activity. Existing uses in this area consists of services, lodging and recreational facilities such as the existing hotel and water park.
- 5.) No 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 MU-C zone districts are consistent with the future land use category of Neighborhood Mixed Use and Central Business Secondary.
- 3.) Material adverse impacts on nearby properties are not anticipated.

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

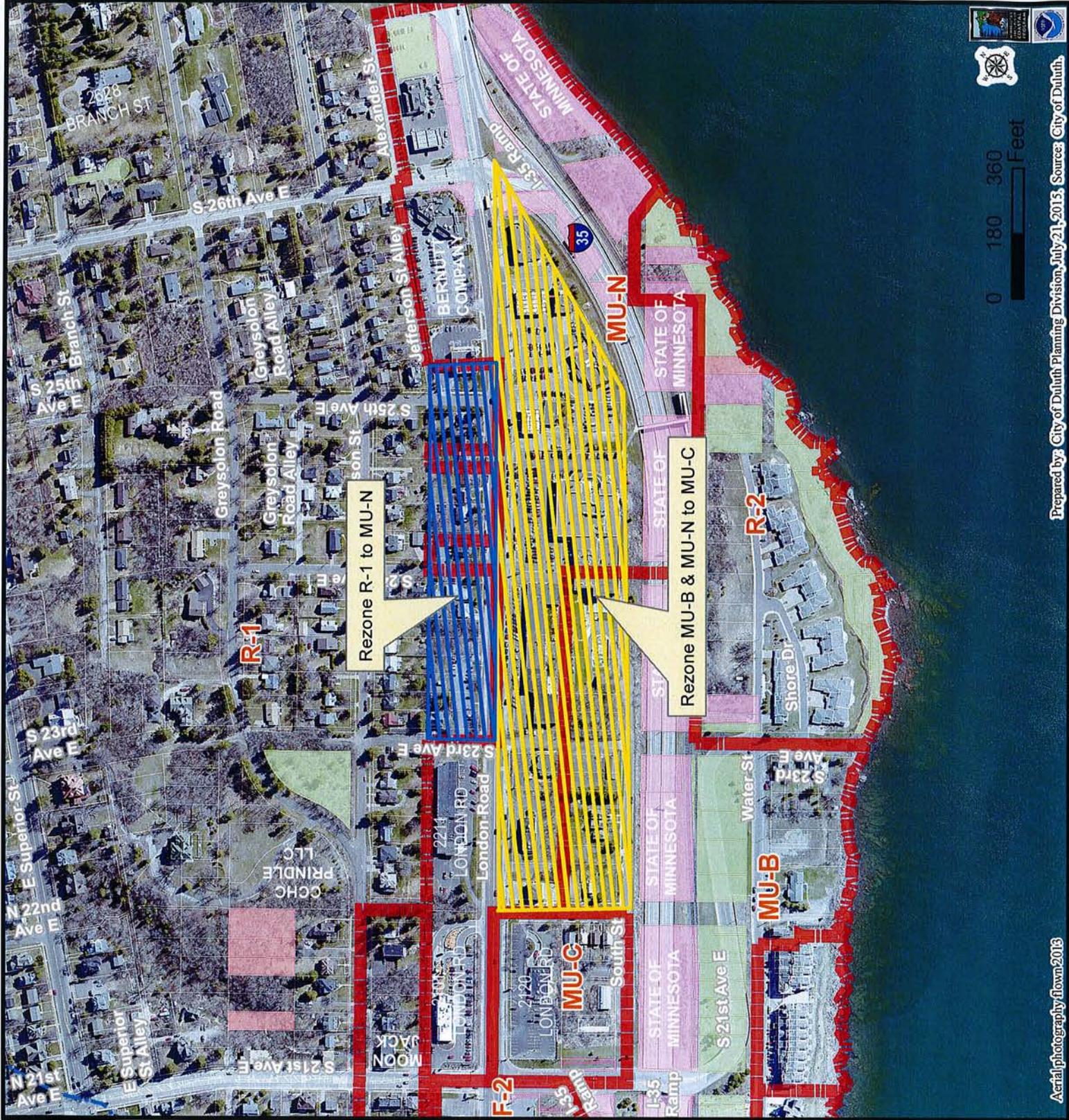
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City Planning
 PL 15-171
 Rezone MU-N, MU-B to MU-C
 Rezone R-1 to MU-N
 Zoning Map

Legend

Zoning Boundaries
 Zoning Boundaries



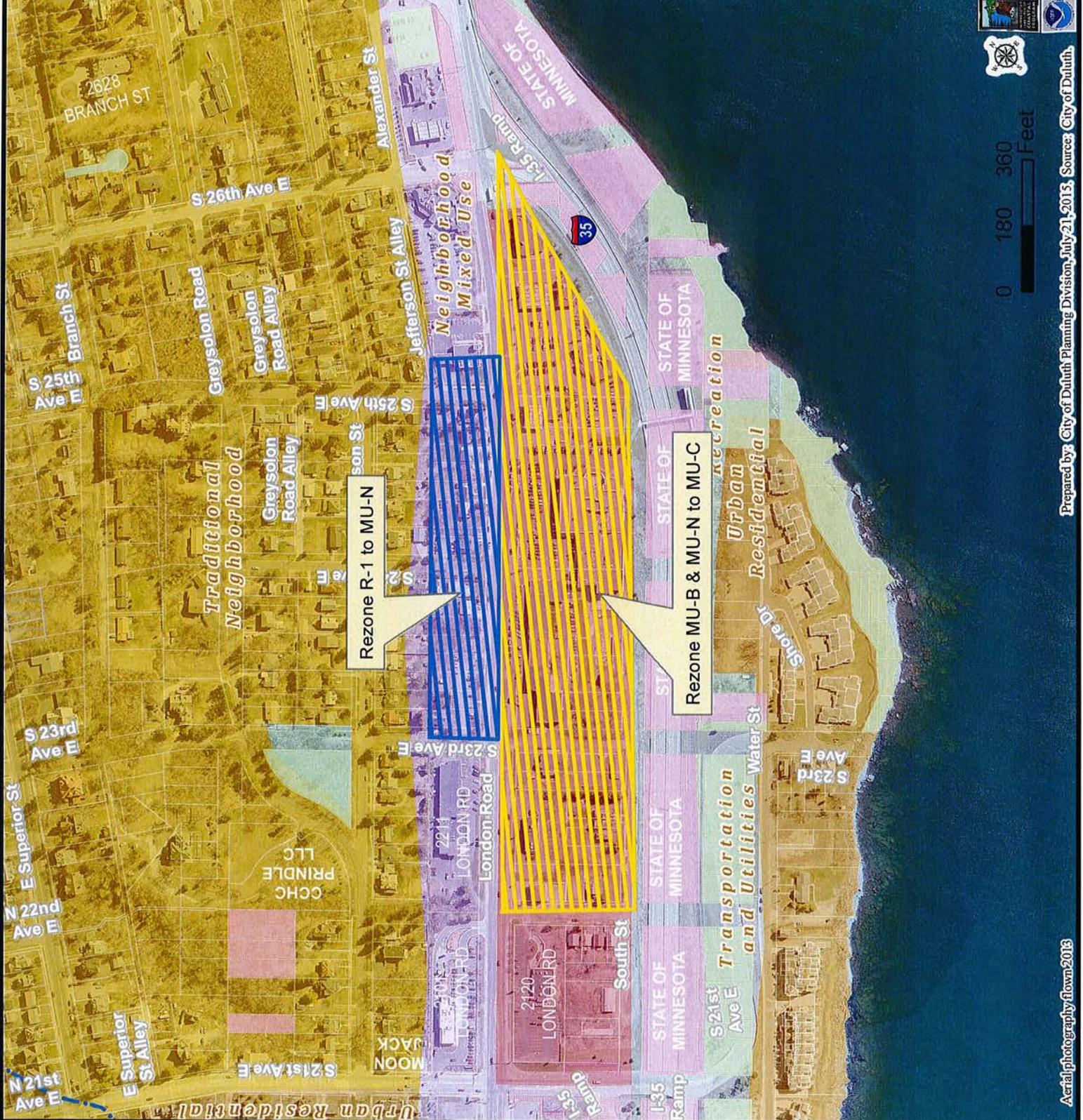
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 PL 15-171
 Rezone MU-N, MU-B to MU-C
 Rezone R-1 to MU-N
 FLU Map

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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**Parcels to be Rezoned from R-1 to MU-N
& MU-B, MU-N to MU-C**

010-1460-01910	010-1460-01260
010-1460-01920	010-1460-01270
010-1460-01930	010-1460-01300
010-1460-01945	010-1460-01320
010-1460-01950	010-1460-01330
010-1460-02050	010-1460-01340
010-1460-02060	010-1460-01350
010-1460-02070	010-1460-01370
010-1460-02090	010-1460-01560
010-1460-02100	010-1460-01550
010-1460-02110	010-1460-01530
010-1460-02145	010-1460-01490
010-1460-02135	010-1460-01410
010-1460-02130	010-1460-01570
010-2090-00030	010-1460-01630
010-2100-00090	010-1460-01640
010-2100-00100	010-1460-01650
010-1460-01200	010-1460-01660
010-1460-01210	010-1460-01670
010-1460-01220	010-2100-00480
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