City of Duluth
Planning Division

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MEMORANDUM

DATE: January 4, 2016

TO: Planning Commission

FROM: John Kelley, Planner II

SUBJECT: PL15-184 Rezoning - Riverside Small Area Plan

The Riverside Small Area Plan (SAP) was unanimously approved by City Council on October 26, 2015 by resolution 15-0738R. The SAP recommendations support areas of opportunity surrounding land use and housing, businesses, and economic development to strengthen recreational amenities as well as neighborhoods.

In order to implement the land use recommendations of the SAP, the proposal before the Planning Commission is to rezone lands within the study area to their appropriate zone districts as follows:

- Approximately 29 acres currently zoned Residential-Traditional (R-1) on the north side of Grand Avenue west of Spring Street to Bessemer Street and on the south side of Grand Avenue immediately east of the Riverside Neighborhood rezoned to Residential-Urban (R-2).
- Approximately 13 acres of land east of Bessemer Street and at the base of Spirit Mountain Ski Area, and on the south side of Grand Avenue directly across from the lower chalet area will be rezoned from R-1 and Industrial–General (I-G) to Mixed Use-Neighborhood (MU-N).
- Approximately 3 acres at the corners of Riverside Drive and Grand Avenue, and Spring Street and Grand Avenue from R-1 to MU-N.

The proposed rezoning reasonably relates to the future land use map designations of Urban Residential, Neighborhood Commercial and General Mixed Use. These changes in zoning will regulate the types of uses that were envisioned for the area during the SAP process while minimizing potential negative impacts to surrounding area (see attached future zoning map).

Current Zoning/Existing Land Use

The current zoning of the SAP area is predominantly R-1, with a small area zoned MU-N in the Riverside neighborhood and I-G to the south and east. Existing land use within the study area consists of single-family homes, recreation, and commercial activity including the Riverside Marina, the lower base area for the Spirit Mountain Recreation Area, and light industrial use

including the Tate & Lyle plant. Adjacent land use is primarily residential and recreation (see attached current zoning map).

Future Land Use

During the SAP process, stakeholders identified the desire for additional housing opportunities, commercial space to support the local neighborhoods needs and the needs of local recreational amenities. The future land use map was amended to reflect land use categories recommended in the SAP. The map generally calls for land use categories that will allow for a mix of commercial and residential use along both sides of Grand Avenue and Warwick Street. The map also suggests nodes of neighborhood commercial at Spring Street and also Riverside Drive.

Comprehensive Plan Findings

The Comprehensive Plan Land Use Map presents a geographic representation of the City's preferred future land use scenario. The map summarizes the community's discussion of how development, preservation, and public realm investment should play out over the next twenty years. Alterations to the existing Future Land Map were identified during the SAP process through information collected at public meetings, online engagement tools, and through the citizen advisory committee. Based on these discussions, the land use map was amended to reflect the desired future conditions of the Riverside area. The Future land use categories for the SAP are as follows:

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.

Low Density Residential: Single-family housing with urban services. Typified by curvilinear streets, houses with longer side parallel to street, and attached garages. Includes a range of house sizes and lot sizes. Non-residential uses are mainly uses such as schools and churches. Parks and open space are located within or adjacent to the neighborhood.

Urban Residential: Greatest variety of building types, medium to high densities. Applicable to larger infill areas close to downtown, entertainment or activity centers, and waterfront residential areas. May include student housing areas, live/work units, and limited neighborhood retail. Connected or adjacent to parks and open space.

Commercial Waterfront: Waterfront-dependent commercial uses sometimes mixed with residential or adjacent to higher density residential. Includes tourist- or recreation-oriented uses. Commercial areas can be adjacent to industrial waterfront. Abuts other commercial uses and recreation areas, preservation areas. Access to regional arterial traffic and water access.

Neighborhood Commercial: Small- to moderate scale commercial, serving primarily the adjacent neighborhood(s). May include specialty retail; community gathering businesses such as coffee shops or lower intensity entertainment; offices; studios or housing above retail (storefront retail with vertical mixed use). Typically situated in or adjacent to residential neighborhoods. May

transition to neighborhood mixed 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.

Recreation: Park and open space areas dedicated to active recreation, such as neighborhood parks, community centers, downhill ski areas, playgrounds, ball fields, water recreation, and associated facilities such as parking.

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. Examples include: most city parklands and primary viewsheds; shorelands of lake, rivers, streams; wetlands and floodplains; high-value habitat; low-intensity private or public uses.

Governing Principles in support of rezoning:

Principle #2 - Declare the necessity and secure the future of undeveloped places
Undeveloped areas are an essential part of Duluth's municipal fabric - urban plazas, neighborhood parks, large tracts of public ownership and private lands zoned for minimal development. These minimally or undeveloped areas collectively create an open space system. These areas contribute to Duluth's cultural, health, recreational, and economic value and community identity. This open space system provides vistas, encourages active recreation, provides natural infrastructure as storm water retention, plant and animal habitat and water quality, and is the strongest visual element defining Duluth's sense of place.

Principle #4 - Support emerging economic growth sectors
Emerging economic sectors add economic, cultural and social diversity. These include higher education, medical, value-added manufacturing, commercial outdoor recreation, historic resources interpretation, arts and music, information technology and visitor services.

Principle #5 - Strengthen neighborhoods
The present city is an historical amalgam of villages and other independent units of government, contributing to the present condition of Duluth being strongly defined by its neighborhoods. This condition should be reinforced through land use, transportation and public service delivery patterns which strengthen neighborhood identity. New institutional expansions, major public infrastructure or large commercial or industrial uses should not divide historic neighborhood patterns.

Principle #8 - Encourage mix of activities, uses and densities
Cities have evolved as a mix of land uses, building types, housing types, and activities. Accommodating choice while protecting investment is a balance to strike in land use regulation. Mixed uses provide opportunity for a diversity of activity that segregated, uniform uses do not provide.

Summary of Code Requirements

- 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.

Discussion:

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 categories identified for the area. The proposed zoning districts are established to provide for commercial uses and to accommodate a mix of residential housing types for the area.

3.) The proposed zoning districts of MU-N and R-2 reasonably relates to the future land use map designations of Neighborhood Commercial, General Mixed Use, and Urban Residential.

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

Based on the above findings, staff recommends that Planning Commission recommend approval of the UDC Map Amendment, for the following reasons:

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

1.) This proposal is consistent with the Comprehensive Land Use Plan.

2.) The rezoning to the recommended zone districts is consistent with the land use implementation strategy of the approved Riverside Small Area Plan.

3.) The proposed zone districts are consistent with the future land use categories.

City Planning

DULUTH

PL 15-184 Rezone
Riversdie SAP
FLU Map

Are to be rezoned

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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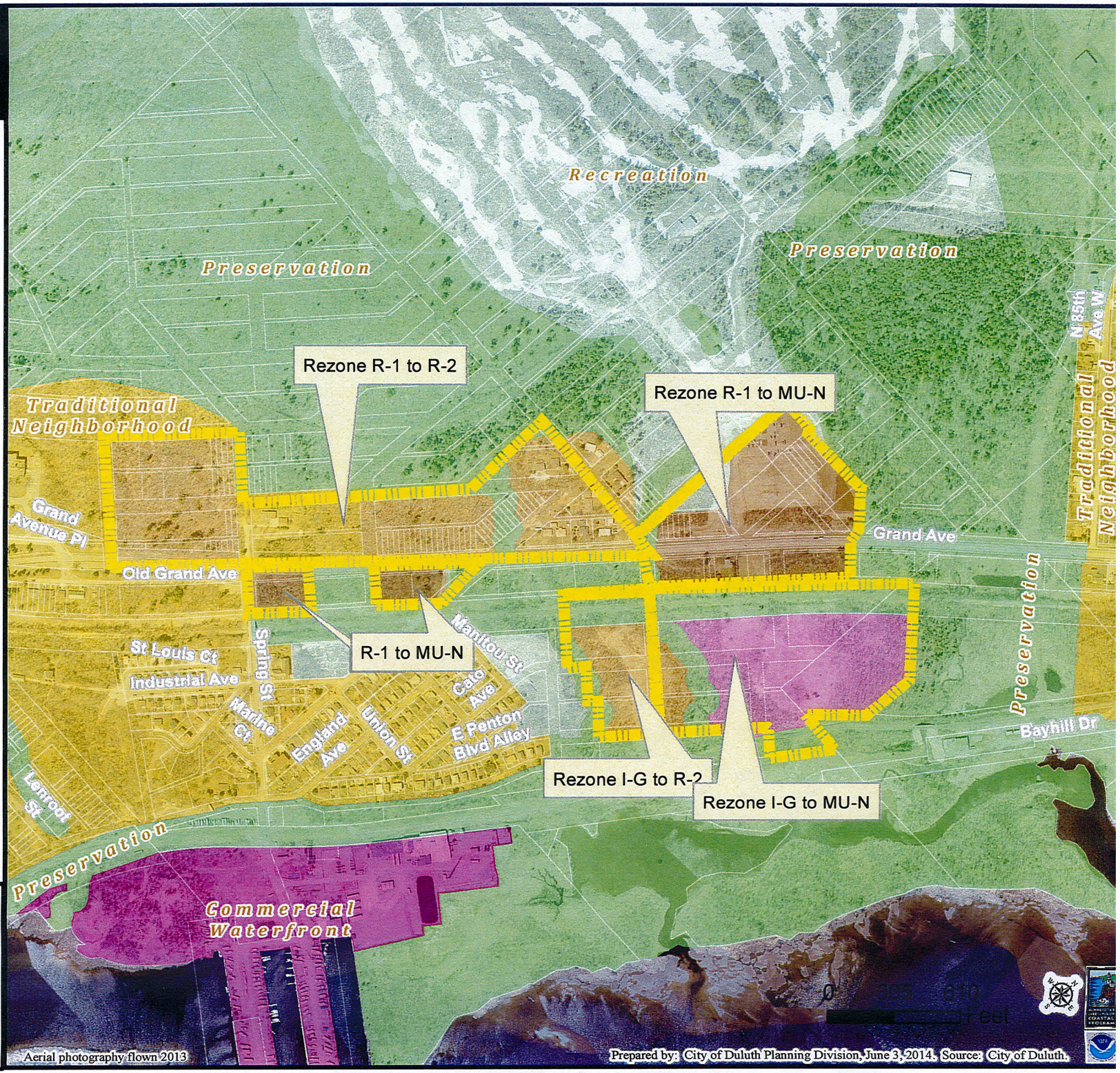


City Planning

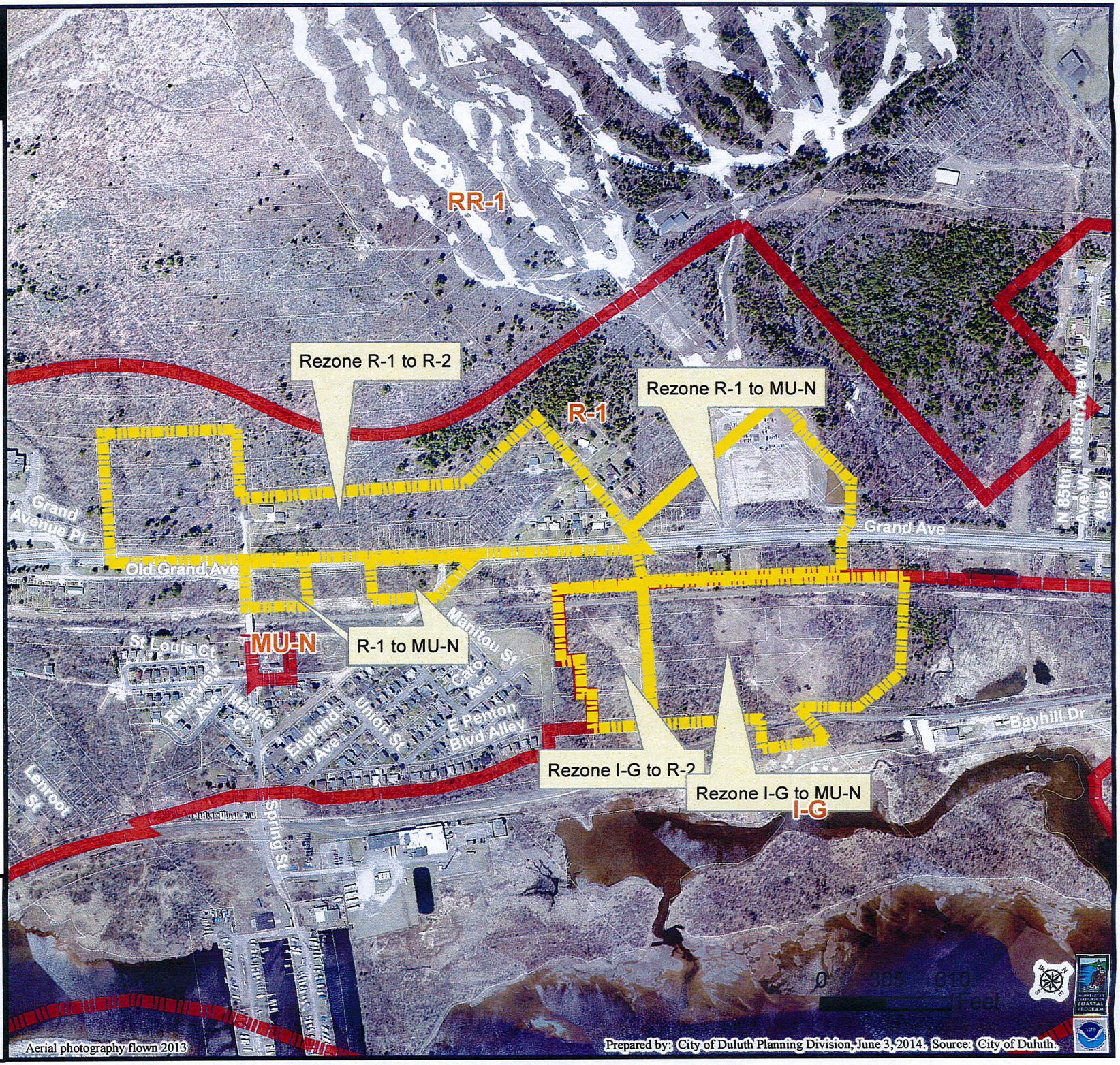
PL 15-184 Rezone
Riversdie SAP
Zoning Map

Are to be rezoned

Legend

Zoning Boundaries

Zoning Boundaries



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