CITY OF DULUTH
Planning Division

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STAFF REPORT

File Number	PL 16-005		**Contact**	John Judd, jjudd@duluthmn.gov	
Application Type	UDC Map Amendment		**Planning Commission Date**	February 9, 2016	
Deadline for Action	**Application Date**	N/A	**60 Days**	N/A	
	Date Extension Letter Mailed	N/A	**120 Days**	N/A	
Location of Subject	North side Grand Ave. 4101 to 4115 & lots fronting South side Grand Ave. from 42nd to 44th Ave. W.				
Applicant	City of Duluth		**Contact**	John Judd, jjudd@duluthmn.gov	
Agent	City of Duluth, Planning Division		**Contact**	John Judd, jjudd@duluthmn.gov	
Legal Description	See attached.				
Site Visit Date	January 22, 2016		**Sign Notice Date**	January 27, 2016	
Neighbor Letter Date	N/A		**Number of Letters Sent**	N/A	

Proposal

Rezoning the areas along the North side Grand Avenue including the following properties: 4101, 4105, 4109, 4113 and 4115 and all of the lots fronting the South side Grand Avenue from North 42nd Avenue West to North 44th Avenue West from Residential Traditional (R-1) to Mixed Use Neighborhood (MU-N).

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1, 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	Neighborhood Mixed Use, Business Park
East	MU-N	Commercial	Neighborhood Mixed Use
West	MU-C, MU-N	Commercial	Neighborhood Mixed Use

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):

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.

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 areas proposed for MU-N are consistent with the future land use designation of Neighborhood Mixed Use and reasonably related to the existing adjacent 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 that are located in close proximity. The rezoning on the south side of Grand Avenue would provide a transition between neighborhood-scale mix uses and the business and commercial uses in the MU-B zone to the South.

4.) No public, or private, agency/organizations 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 zone districts are consistent with the future land use category of Neighborhood Mixed Use.

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

A-2

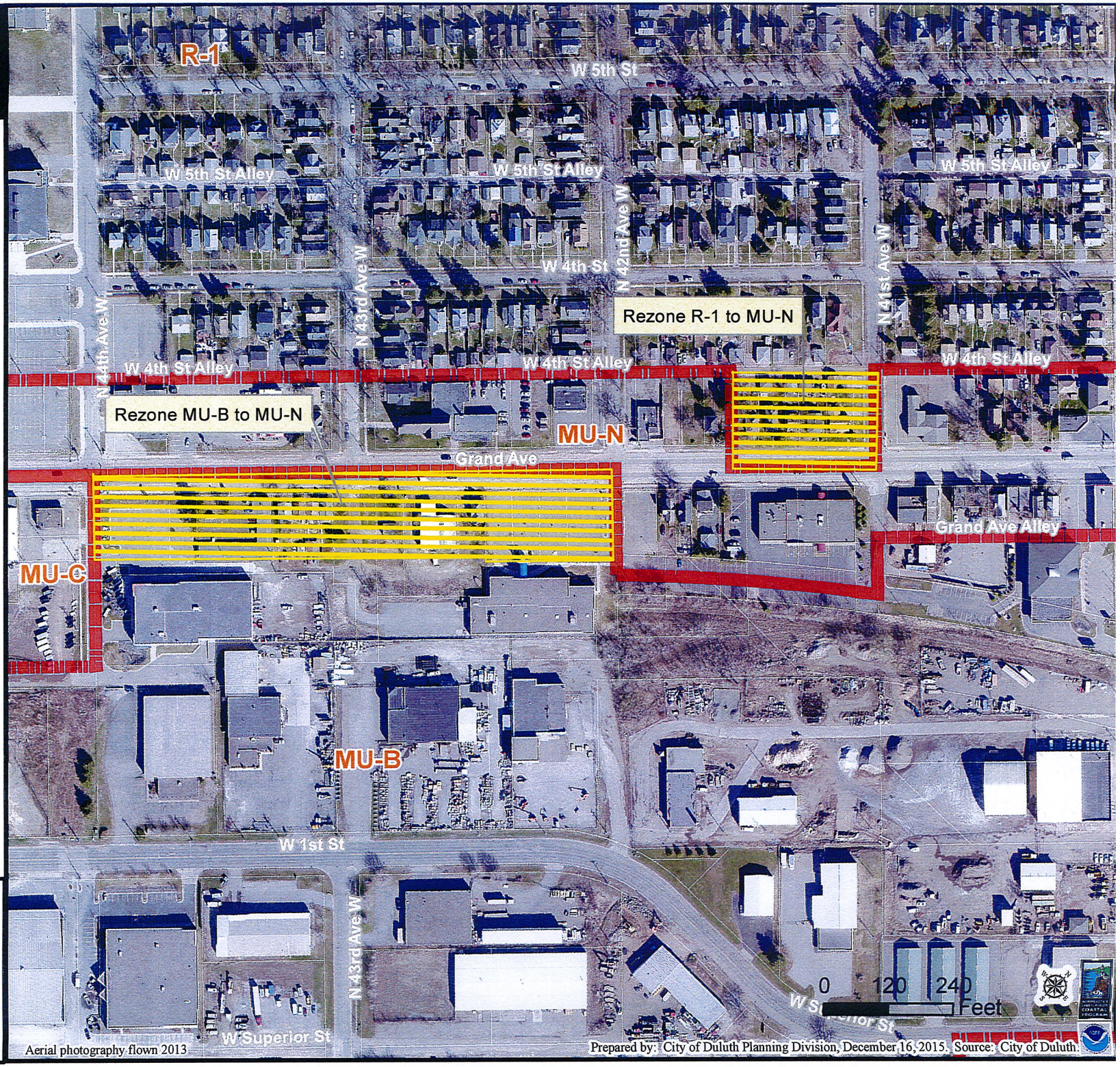
Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)

City Planning

PL 16-005
Rezone R-1, MU-B to MU-N
Zoning Map

Legend

Zoning Boundaries



Aerial photography flown 2013

Prepared by: City of Duluth Planning Division, December 16, 2015. Source: City of Duluth.

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4-3

City Planning

PL 16-005

Rezone R-1, MU-B to MU-N

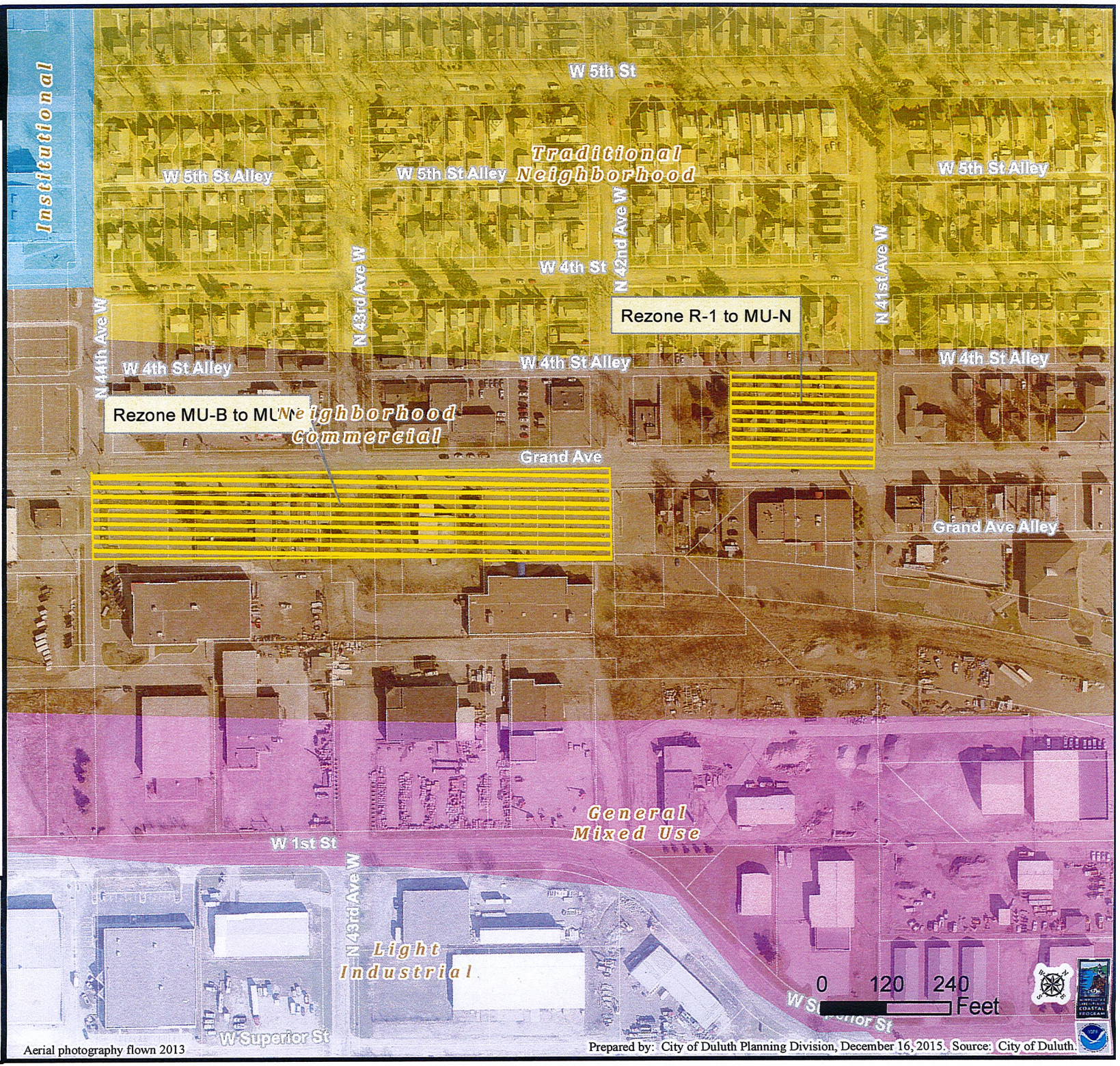
FLU Map

Legend

Future Land Use - Plus

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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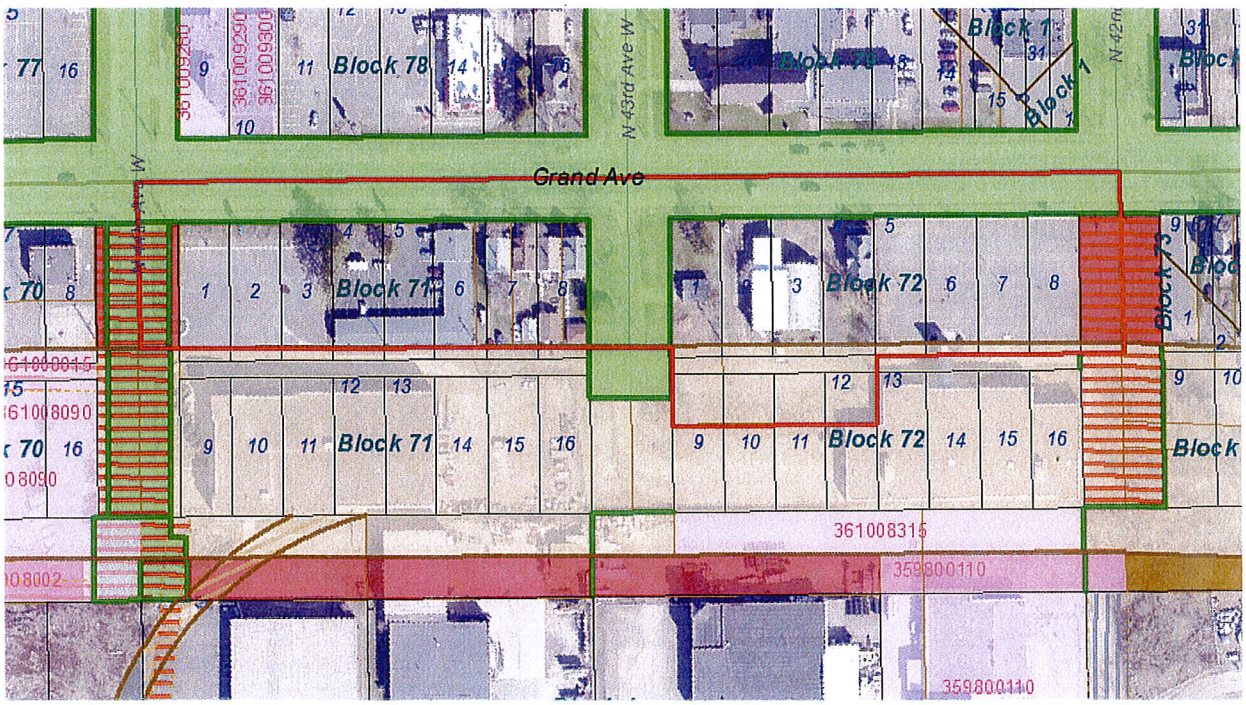
A-4

Zoning Area 1

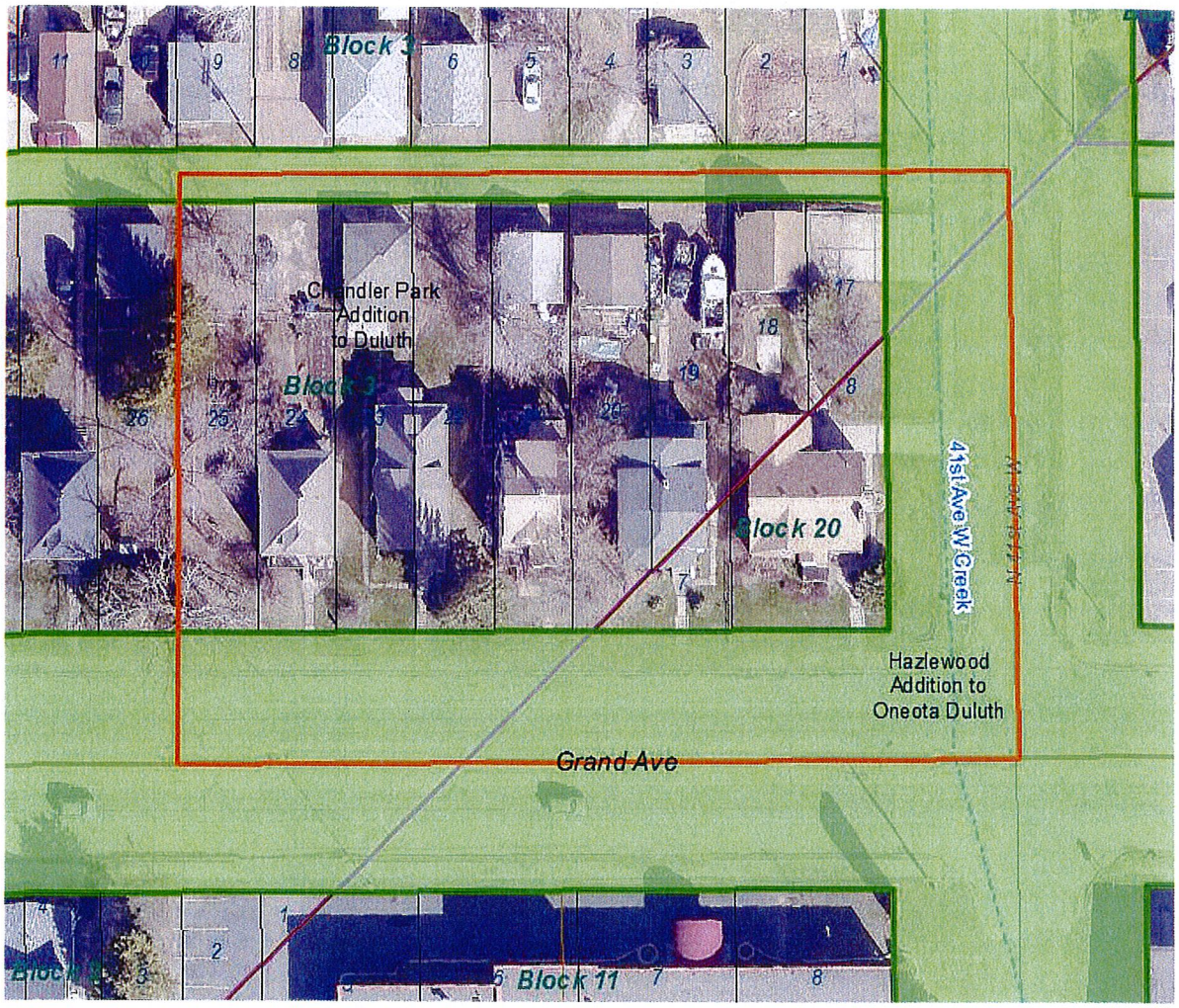
Beginning at the intersection of the centerline of Grand Ave and N 44th Ave W in the plat of Oneota Duluth; thence northeasterly on the centerline of Grand Ave to its intersection with the centerline of N 42nd Ave W in the plat of Chandler Park Addition to Duluth; thence southeasterly to the northeasterly extension of the northwesterly line of the platted alley in Block 72 Oneota Duluth; then southwesterly along the northwesterly line or said alley and its extension to the most easterly corner of Lot 4 Block 72 Oneota Duluth; thence southeasterly along the extension of the northeasterly line of lot 4 Block 72 and its extension approximately 64.4 feet; thence deflect 90 degrees to the right to the southwesterly line of block 72 Oneota Duluth; thence northwesterly along the southwesterly line of Block 72 to the northwesterly line of the former Railroad Right-of-way; thence southwesterly along the former northwesterly line of the railroad right-of-way to the centerline of N 44th Ave W; thence northwesterly to the point of beginning.



Zoning Area 2

Beginning at the intersection of the centerline of Grand Ave and the centerline of N 41st Ave W; thence southwesterly along the centerline of Grand Ave to the southeasterly extension of the southwesterly line of lot 25 Block 3 Chandler Park Addition to Duluth; thence northwesterly along the southeasterly extension of the southwesterly line said lot 25 and it's northwesterly extension to the centerline of the alley in said Block 3; thence northeasterly along the centerline of the alley in Block 3 Chandler Park Addition to Duluth and it's extension to the centerline of N 41st Ave W; thence southeasterly to the point of beginning.

A-5


Block 3
Chandler Park
Addition
to Duluth
Block 3
Block 20
41st Ave W Creek
Hazlewood
Addition to
Oneota Duluth
Grand Ave
Block 11

A-6