CITY OF DULUTH
Community Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
Phone: 218/730.5580 Fax: 218/723-3559

File Number	PL 16-127	**Contact**	Steven Robertson, 218-730-5295	
Type	Rezone, from RR-1 to R-1 and R-2	**Planning Commission Date**		November 15, 2016
Deadline for Action	**Application Date**	October 14, 2016	**60 Days**	December 13, 2016
	Date Extension Letter Mailed	November 3, 2016	**120 Days**	February 11, 2017
Location of Subject	NE Corner of Rice Lake Road and Norton Road			
Applicant	Duluth Gospel Tabernacle	**Contact**	Rev Hollis Graves	
Agent	Brad Johnson	**Contact**		
Legal Description	Kensignton Place Addition to Duluth, Blocks 1, 2, 3, 4 (to R2), Blocks 6, 7, 8, and Lots 5 through 40 of Block 5 (to R1)			
Site Visit Date	November 4, 2016	**Sign Notice Date**		November 1, 2016
Neighbor Letter Date	November 3, 2016	**Number of Letters Sent**		42

Proposal

Applicant is proposing to rezone this property from Rural-Residential1(RR-1) to Residential Traditional (R-1) and Residential Urban (R-2).

	Current Zoning	***Existing Land Use***	***Future Land Use Map Designation***
Subject	RR-1	Undeveloped	Traditional Neighborhood/Urban Res
North	MU-C	Commercial/Religious	Neighborhood Mixed Use
South	R-1	Residential	Traditional Neighborhood
East	RR-1	Residential	Traditional Neighborhood/Neighborhood Mix
West	R-1	Residential	Traditional Neighborhood

Summary of Code Requirements

- 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.

- 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.

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

Governing Principle #8 - Encourage mix of activities, uses, and densities.

Future Land Use – 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.

The proposed rezoning is consistent with the recently adopted Land Use Study (PL 16-030) considered by the Planning Commission on 4/12/2016 and approved by the City Council on 4/25/2016.

Review and Discussion Items

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 be considered arbitrary and capricious. Good zoning practice requires that zone districts be consistent with the future land use category identified for the area.

2. The areas proposed to be rezoned R-1 (along Marble Street) and R-2 (along Arrowhead Road) are consistent with the future land use designation of Traditional Neighborhood and Urban Residential, and are generally related to the existing adjacent land uses. The purpose of the R-2 district is to accommodate a mix of neighborhood-scale, neighborhood-serving non-residential uses and a range of residential uses. Rezoning these parcels may provide a transition between the arterial road to the north and related highway land uses, and the suburban/residential uses to the south.

3. According to Section 50-18.1 (Natural Resources Overlay, Wetlands), any development impacting wetlands require formal approval by the designated city wetland representative The applicant has submitted a wetland delineation, which was reviewed by the Duluth Wetland Conservation Act Technical Evaluation Panel (WCA TEP) and approved by the City on May 19, 2016. The property owner has recently submitted a Wetland Replacement Plan to fill up to about 38,000 square feet of wetlands. The property owner also started work on a tree inventory earlier this summer. The property owner has plans to develop this property, with City approval, to include an assisted living facility, and one or two commercial structures. The property owner most likely would need to subdivide the property and apply for an additional rezoning (to a planned development) to accomplish such a development. Future development may result in a road connection between Marble Street and Arrowhead Road, which may increase traffic before/after religious services.

4. St. Louis County, Traffic Engineering, has stated that the developer must work with the County to determine if there is a need for a traffic impact study (a study will likely be required); in addition, the project will require an entrance permit with St. Louis County Public Works. No other public, or private, agency/organizations comments have been received at the time this staff report was written.

Staff Recommendation

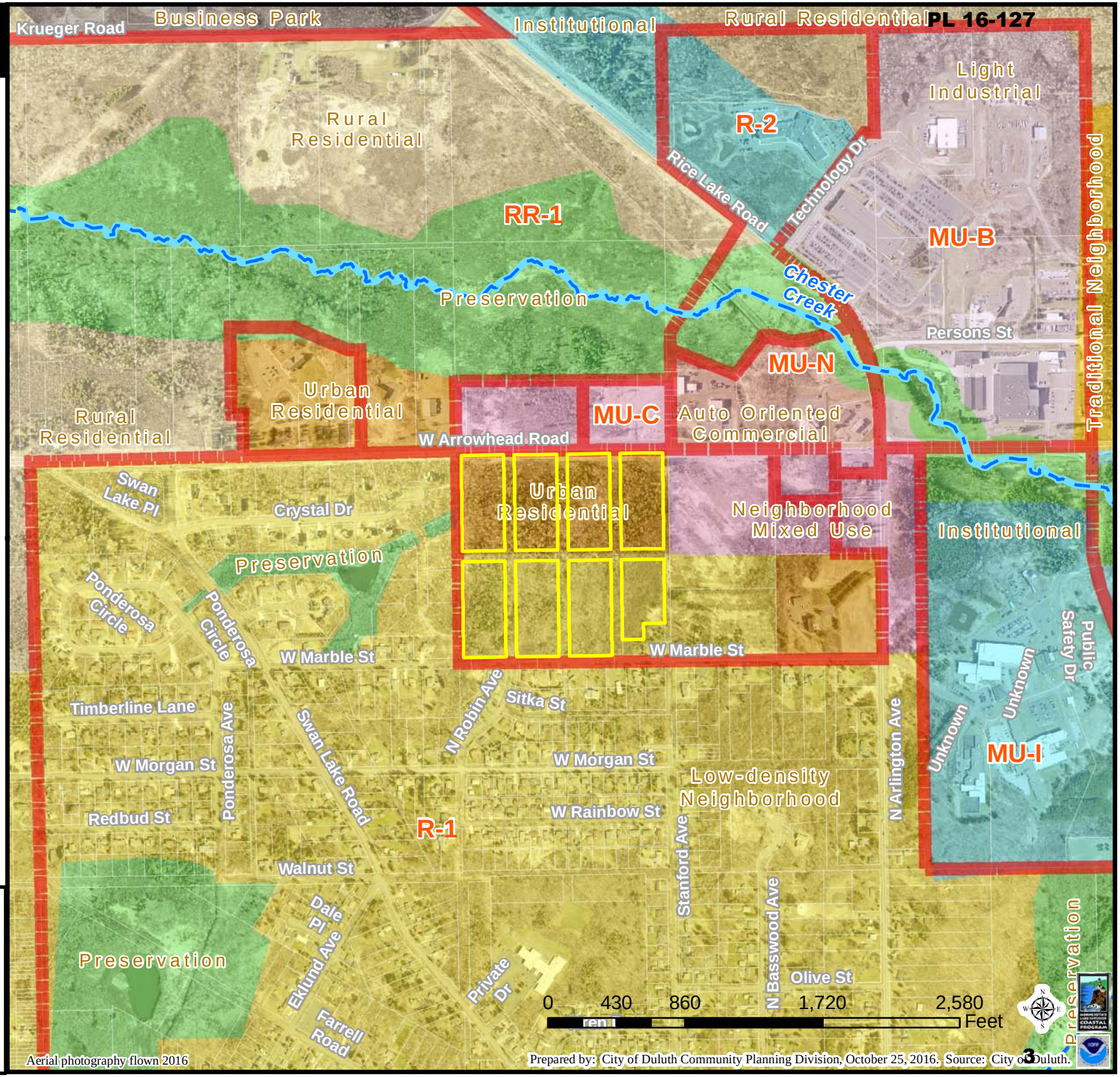
Based on the above findings, Staff recommends that Planning Commission recommend approval of the UDC Map Amendment, for the following reasons:

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

2. The proposed R-1 and R-2 zone district is consistent with the future land use category of Residential-Traditional and Urban Residential.

3. Significant negative impacts to nearby properties are not anticipated as a result of this rezoning and associated land use changes.

PL 16-127



Legend

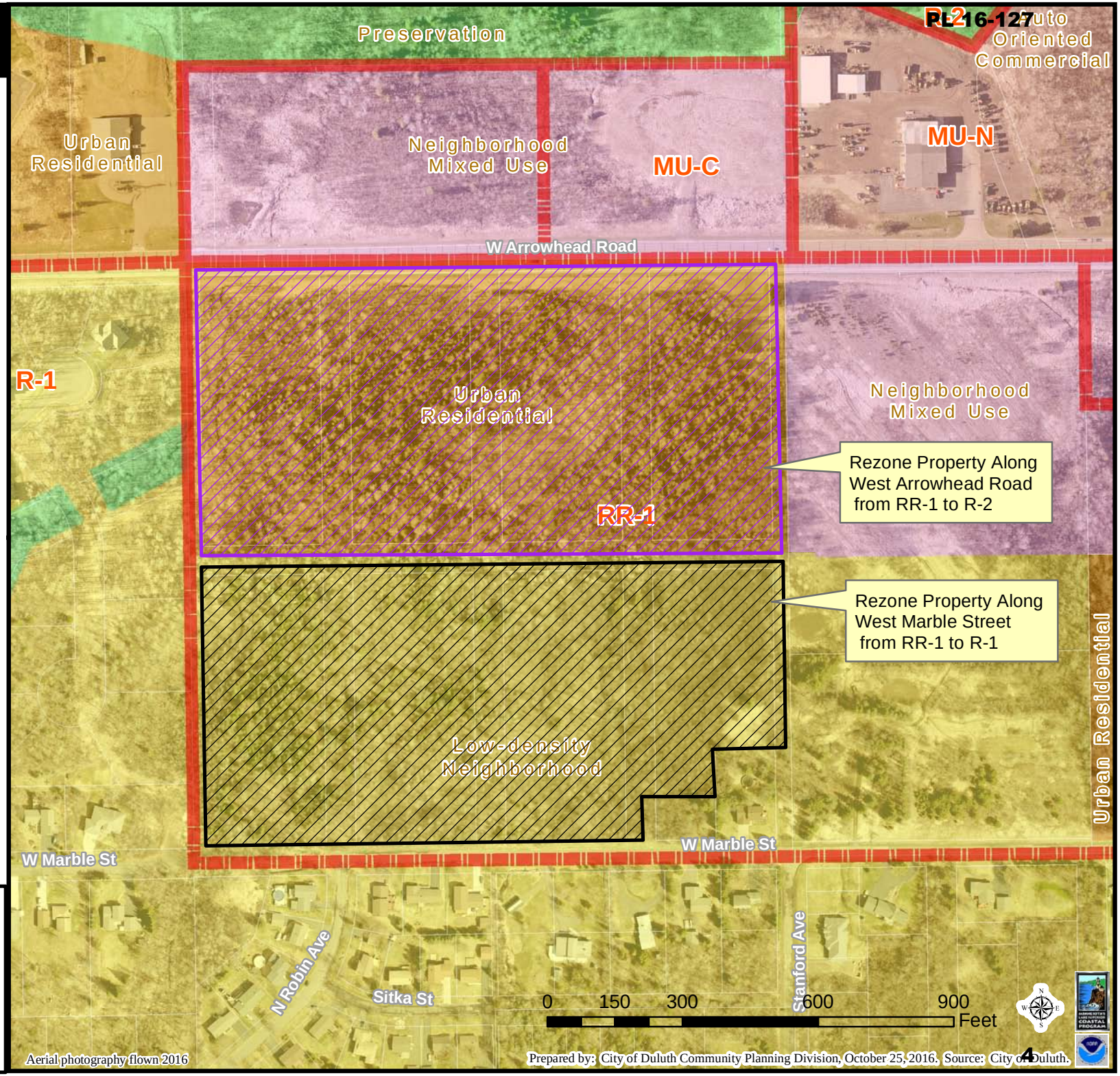
- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)

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.

PL 16-127



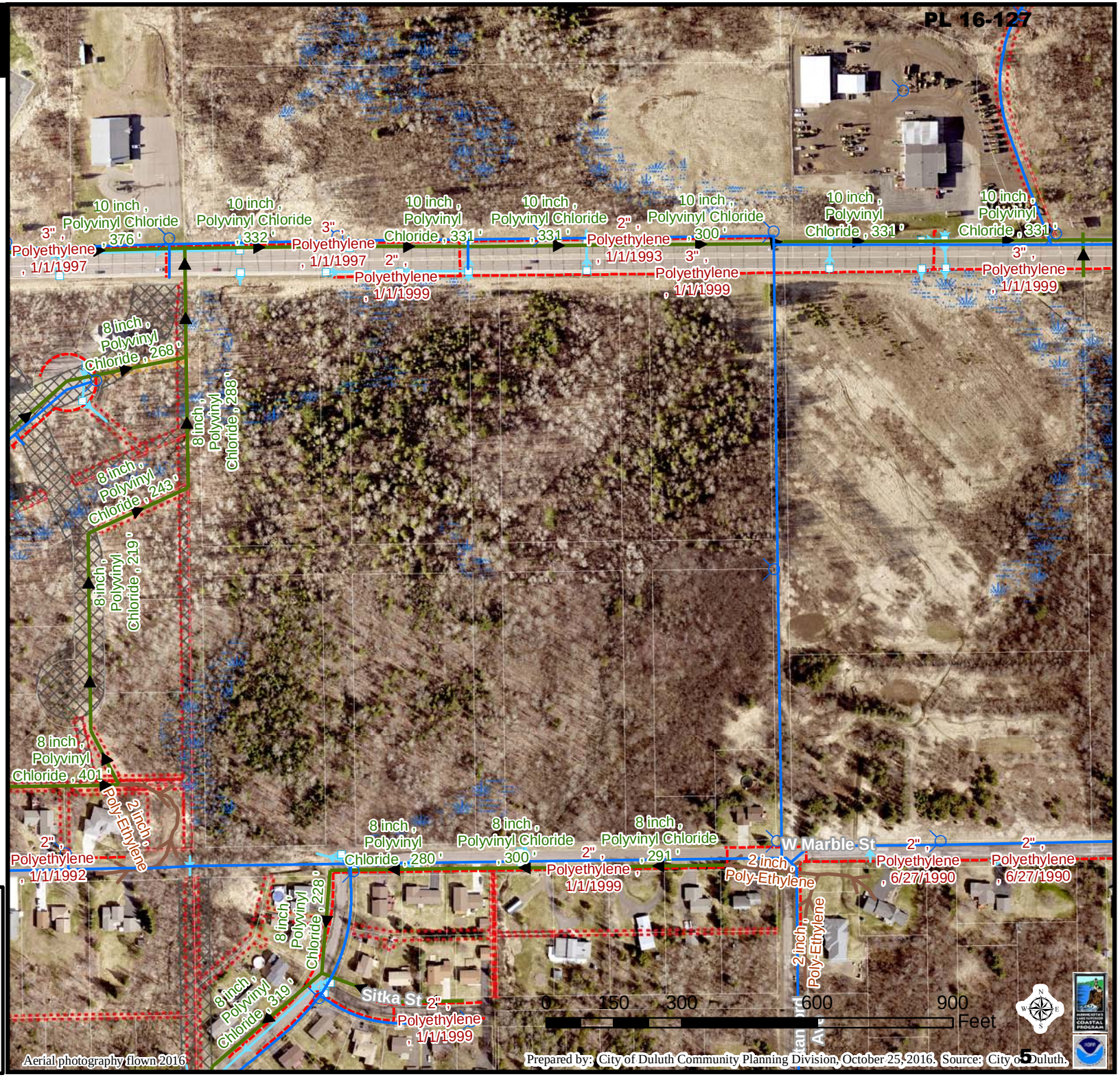
Legend

- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)

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.



Legend

Water Distribution Main

- Active
- Hydrant

Sanitary Sewer Mains

- CITY OF DULUTH
- WLSSD; PRIVATE; RICE LAKE TWP
- Sanitary Sewer Forced Main
- Storage Basin
- PS Pump Station

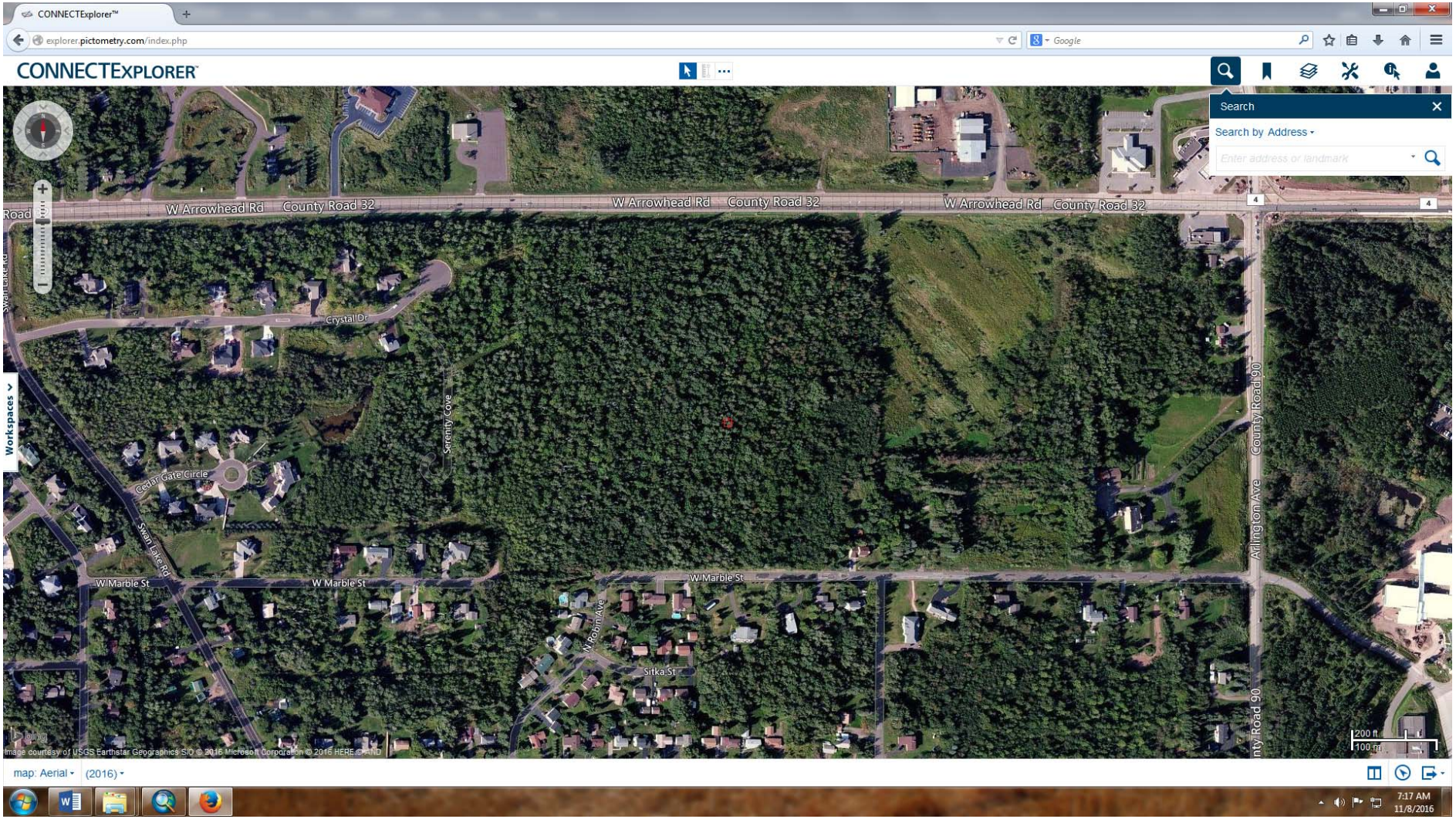
Storm Sewer Mains

- Storm Sewer Pipe
- Storm Sewer Catch Basin

Gas Distribution Main

- Coated Steel
- Plastic
- Vacated ROW
- Utility Easement
- Other Easement
- Trout Stream (GPS)
- Other Stream (GPS)
- Wetlands (NRRI)

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.


CONNECTExplorer™
explorer.pictometry.com/index.php
CONNECTEXPLORER
Search
Search by Address
Enter address or landmark
W Arrowhead Rd
County Road 32
Crystal Dr
Serenity Cove
Cedar Gate Circle
Swan Lake Rd
W Marble St
W Robin Ave
Sitka St
Arlington Ave
County Road 90
Workspaces
200 ft
100 m
Image courtesy of USGS Earthstar Geographics SIO © 2016 Microsoft Corporation © 2016 HERE © AND
map: Aerial
(2016)
7:17 AM
11/8/2016

Airpark Blvd
Endeavor Dr
Business Park
Enterprise Cir
Prosperity Rd
Rice Lake Road
Rural Residential
D.
Rural Residential
Northridge Dr
Institutional
C.
Institutional
Krueger Road
Rural Residential
Krueger Junction
Swan Lake Road
Beede Road
Preservation
A.
Preservation
Chester Creek
Light Industrial
Persons St
Sawyer Ave
Neighborhood
B.
Rural Residential
F.
Urban Residential
G.
Neighborhood Mixed Use
W Arrowhead Road
Neighborhood Mixed Use
H.
Urban Residential
Crystal Dr
Cedar Gate Circle
Ponderosa Circle
Ponderosa Circle
W Marble St
W Marble St
E.
Urban Residential
N Arlington Ave
Public Safety Dr
Rice Lake Road
Institutional
Miller Creek
Miller Creek
Low-density Neighborhood
Timberline Lane
Ponderosa Ave
Swan Lake Road
N Robin Ave
Sitka St
Stanford Ave
Unknown
Unknown
Sunday Road
W Morgan St
W Morgan St
W Morgan St
W Rainbow St

Uses Allowed in Residential-Traditional (R-1) Zone District
Revised January 27, 2016

Permitted Uses

- Dwelling, one-family
- Dwelling, two-family
- Residential care facility/assisted Living (6 or fewer)
- Park, playground or forest reserve
- School, elementary
- Agriculture, urban
- Day care facility, small (14 or fewer)

Special or Interim Uses

- Dwelling, townhouse
- Manufactured Home Park
- Co-housing facility
- Residential care facility/assisted living (7 or more)
- Cemetery or mausoleum
- Government building or public safety facility
- Museum, library, or art gallery
- Religious assembly, small (less than 50,000 sq. ft. or more)
- Religious assembly, large (50,000 sq. ft. or more)
- School, middle or high
- Bed and breakfast
- Preschool
- Day care facility, large (15 or more)
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Water or sewer pumping stations/reservoirs

Interim Uses

- Vacation dwelling unit
- Accessory vacation dwelling unit

Uses Allowed in Residential-Urban (R-2) Zone District
Revised January 27, 2016

Permitted Uses

- Dwelling, one family
- Dwelling, two family
- Dwelling, townhouse
- Dwelling, multifamily
- Residential care facility/assisted living (6 or fewer)
- Residential care facility/assisted living (7 or more)
- Government building or public safety building
- Park, playground, or forest reserve
- Religious assembly, small (less than 50,000 sq. ft. or more)
- School, elementary
- Nursing home
- Agriculture, urban
- Veterinarian or animal hospital
- Bed and breakfast
- Preschool
- Day care facility, small (14 or fewer)

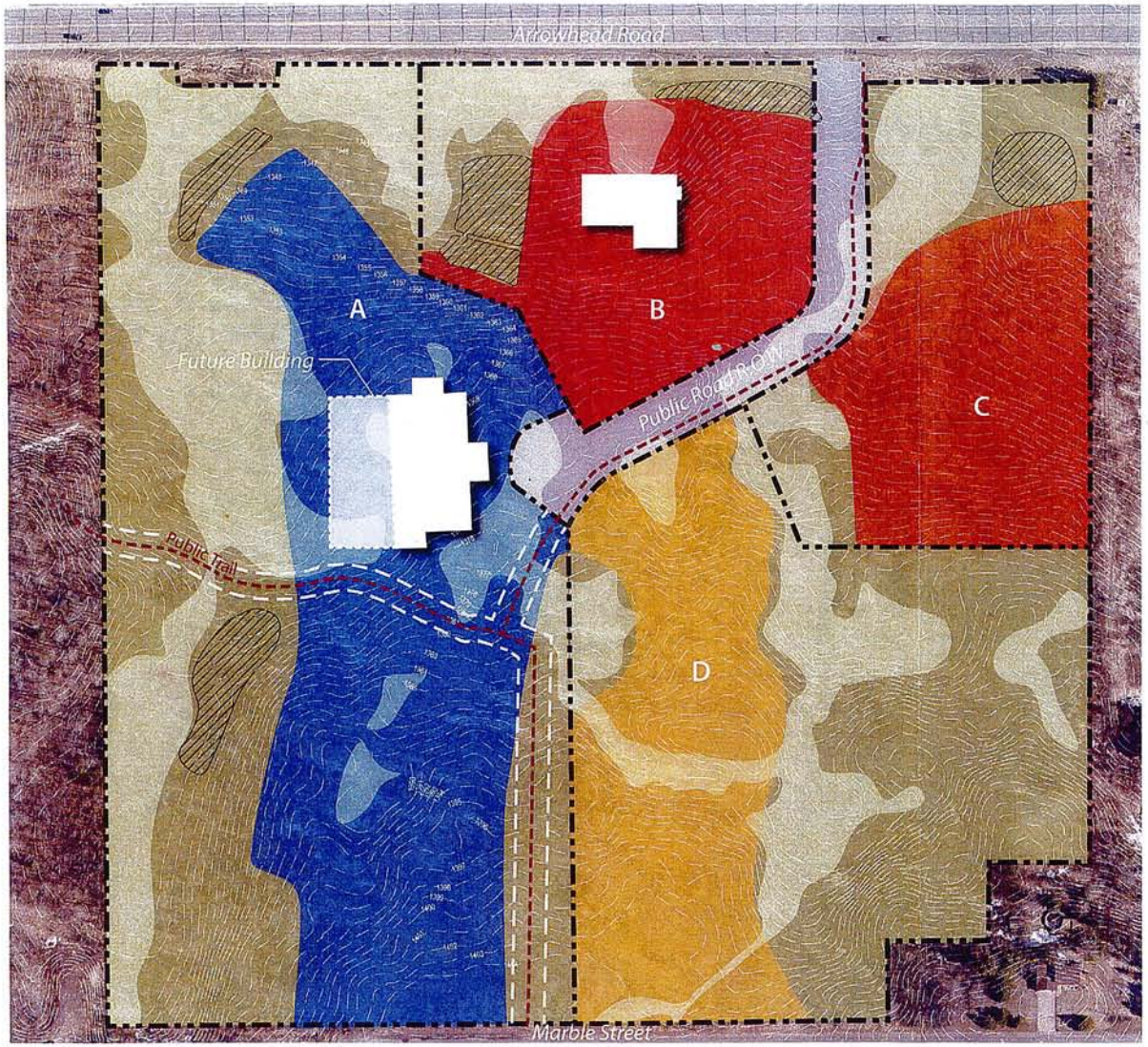
Special Uses

- Manufactured Housing Park
- Co-housing facility
- Rooming house
- Cemetery or mausoleum
- Club or lodge (private)
- Museum, library, or art gallery
- Religious assembly, large (50,000 sq. ft. or more)
- School, middle or high
- Medical or dental clinic
- Restaurant (less than 5,000 sq. ft.)
- Office
- Day care facility, large (15 or more)
- Funeral Home or crematorium
- Retail store not listed, small (less than 15,000 sq. ft.)
- Filling station
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Water or sewer pumping stations/reservoirs

Interim Uses

- Vacation Dwelling Unit

MU-P Concept Plan



Legend

- **Parcel A = Community/Civic (Church), 15.6 Acres**
  - Church Development = 7.37 Ac
  - Green Space = 7.90 Ac
  - Trail Easement = 0.33 Ac
- **Parcel B = Commercial (Kwik Trip), 4.36 Acres**
  - Kwik Trip Development = 2.95 Ac
  - Green Space = 1.41 Ac
- **Parcel C = Mixed Use, 5 Acres**
  - Mixed Use Development = 3.x Ac
  - Green Space = 1.84 Ac
- **Parcel D = Residential, Medium Density, 9.33 Acres**
  - Residential Development = 4.94 Ac
  - Green Space = 4.39 Ac
- **Public Road Right of Way (R.O.W.), 1.30 Acres**
- **Green Space (stormwater, wetland preservation and/or recreation)**
- **Building Footprint**
- **Stormwater Pond Location**
- **Trail Easement**
- **Wetland**

0 75 150' 300'

LHB PERFORMANCE DRIVEN DESIGN.

PL 16-127