



Legislation Details (With Text)

**File #:** 17-057-O      **Name:**

**Type:** Ordinance      **Status:** Passed

**File created:** 10/12/2017      **In control:** Planning and Economic Development

**On agenda:** 10/23/2017      **Final action:** 11/6/2017

**Title:** AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY IN THE GENERAL AREA OF WEST ARROWHEAD ROAD AND NORTH ARLINGTON ROAD TO R-1, R-2, AND MU-N.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachment 1, 2. Attachment 2, 3. Attachment 3, 4. Attachment 4, 5. Attachment 5

Date	Ver.	Action By	Action	Result
11/6/2017	1	City Council	adopted	Pass
10/23/2017	1	City Council	read for the first time	

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY IN THE GENERAL AREA OF WEST ARROWHEAD ROAD AND NORTH ARLINGTON ROAD TO R-1, R-2, AND MU-N.

**CITY PROPOSAL:**

The city of Duluth does ordain:

Section 1. That the subject properties north of Arrowhead Road, and identified in Attachment 2, and as more particularly described as follows:

Portions of 010-2710-02474 and 010-2710-02472, running in a line between West Arrowhead Road and the NE corner of 010-2710-02505 and the NW corner of 010-2710-02532	Western 716 feet of 010-2710-02532
	Southern 433 feet of 010-2710-02530

be rezoned from Rural Residential 1 (RR-1) and Residential-Traditional (R-1) to Residential Urban (R-2).

Section 2. That the subject property on the NW corner of North Arlington Avenue and West Marble Street, and identified in Attachment 3, and as more particularly described as follows:

010-2710-04200		
----------------	--	--

be rezoned from Rural Residential 1 (RR-1) to Residential Urban (R-2).

Section 3. That the subject property on the north side of West Marble Street, and identified in Attachment 3, and as more particularly described as follows:

010-2710-04195		
----------------	--	--

be rezoned from Rural Residential 1 (RR-1) to Residential-Traditional (R-1).

Section 4. That the subject properties west of North Arlington Avenue and south of West Arrowhead road, and identified in Attachment 3, and as more particularly described as follows:

010-2710-04150	010-2710-04160	010-2710-04170
010-2710-04155	010-2710-04165	

be rezoned from Rural Residential 1 (RR-1), Residential-Traditional (R-1), and Mixed Use-Commercial (MU-C), to Mixed Use Neighborhood (MU-N).

Section 5. That the official zoning map of the City of Duluth as referenced in Chapter 50 of the Duluth City Code, 1959, is amended to read as shown in the attached document.

Section 6. That this ordinance shall take effect and be in force 30 days from and after its passage and publication.

STATEMENT OF PURPOSE: This ordinance provides a zoning change for approximately 10 parcels west of the West Arrowhead Road and North Arlington Avenue intersection to Mixed Use-Commercial (MU-N), Residential-Urban (R-2), Residential-Traditional (R-1).

This rezoning action is being done by the City of Duluth to address a discrepancy between the zoning map and the future land use map, and it is not in anticipation of any specific potential development, proposal, or project. The city is amending the zoning map throughout the city, and this is one of the many zoning projects, both large and small, being proposed to the planning commission over the next several months prior to the public hearing and adoption process for the Imagine Duluth 2035 Comprehensive Plan.

The future land use designation of the subject properties includes Low Density Neighborhood, Urban Residential, and Neighborhood Mixed Use. Based on the future land use designation of the subject properties, purpose statements of the RR-1, R-1, R-2, MU-N, and MU-C zone districts, current land use of the subject properties, and the character of the surrounding properties in the general area, rezoning to R-1, R-2, and MU-N is appropriate for these subject properties.

On September 12, 2017, the planning commission held a public hearing on the proposal as shown in Attachment 4. After receiving public testimony and written correspondence, the planning commission tabled the item and directed staff to review the comments and consider if minor amendments to the staff recommendation would be appropriate. On October 10, 2017, the Duluth city planning commission held a second public hearing on the proposal as shown in Attachment 5. Based on the reviewed public testimony, staff recommend a minor change to one proposed rezoning action for parcel 010-2710-04170 by extending the rezoning to MU-N to consider the entire parcel, and to remove a portion of the parcel 010-2710-02532 that is currently zoned MU-C from consideration at this time, with the understanding that the planning commission will likely review the land uses and zoning for the West Arrowhead Road and North Rice Lake Road intersection in the future, after the Imagine Duluth 2035 Comprehensive Plan update is completed.

The planning commission voted 6 yeas, 1 nay, 0 abstentions, and 2 commissioners absent to recommend that the city council approve the rezoning as depicted on attachments 1, 2, and 3 for the following reasons:

- 1) R-1, R-2, and MU-N are the zones most reasonably able to implement the objectives of the Comprehensive Plan related to the proposed land uses for this area.
- 2) The rezoning is consistent with the Comprehensive-Plan Future Land Use Map and the 2016 Small Area Future Land Use Study.

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

As the rezoning is from a residential district to a mixed use district, a motion to approve must prevail with an affirmative vote of 2/3 of the city council (per 50-37.3.B.3).

Petitioner:

City of Duluth

PL 17-139