



**Planning & Development Division**  
*Planning & Economic Development Department*

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<b>File Number</b>	PL 19-139	<b>Contact</b>	Jenn Reed Moses, 730-5328	
<b>Type</b>	Rezone to MU-P	<b>Planning Commission Date</b>	10/8/19	
<b>Deadline for Action</b>	<b>Application Date</b>	9/20/19	<b>60 Days</b>	11/19/19
	<b>Date Extension Letter Mailed</b>	9/30/19	<b>120 Days</b>	1/18/20
<b>Location of Subject</b>	2215 South Street			
<b>Applicant</b>	Launch Properties	<b>Contact</b>	Scott Moe	
<b>Agent</b>	DSGW	<b>Contact</b>	John Erickson	
<b>Legal Description</b>	Complete list of Parcel IDs on file			
<b>Site Visit Date</b>	9/19/19	<b>Sign Notice Date</b>	9/20/19	
<b>Neighbor Letter Date</b>	9/23/19	<b>Number of Letters Sent</b>	9	

**Proposal**

The applicant is proposing to rezone to from Mixed Use-Commercial (MU-C) to Mixed Use-Planned (MU-P), to build approximately 98 units of multi-family housing.

**Staff Recommendation**

Staff recommends approval of the rezoning to MU-P and the waiver of MU-P requirements for total height and minimum site size.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-C	Residential	Central Business Secondary
<b>North</b>	MU-C	Commercial	Central Business Secondary
<b>South</b>	MU-B	Highway	Transportation and Utilities
<b>East</b>	MU-C	Commercial	Central Business Secondary
<b>West</b>	MU-C	Multi-family	Central Business Secondary

**Summary of Code Requirements**

**UDC Section 50-15.7.E:** The establishment of an MU-P district requires rezoning the property per Section 50-37.3 from a current zone district to MU-P and the approval of an MU-P plan per Section 50-37.11, that governs the uses, location, density, dimensional standards and character of the proposed project.

**UDC Section 50-15.7.G:** The applicant shall hold at least one community meeting to discuss the plan before submitting the plan for review and approval by the city.

**UDC Section 50-15.7.H:** The rezoning application ... shall include the following information: (a) A concept map showing the property to be rezoned and general uses within the area; (b) Maximum residential densities and maximum square footage for nonresidential land uses; (c) Maximum building heights;

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

Governing Principle #1 – Reuse previously developed lands, and Governing Principle #12, Create efficiencies in delivery of public services: This directs new investment to sites which have the potential to perform at a higher level than their current state, which leads to savings in existing public infrastructure such as streets and utilities. Existing site is only about half developed with small residential buildings and can be used more efficiently given its proximity to major roadways and transit lines.

Future Land Use – Central Business Secondary: An area adjacent to and supporting the central business primary 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.

#### **Recent History:**

- On July 9, 2019, a Planning Review for a project containing 98 units was approved by Planning Commission. This application provided 98 units, with a total of six floors: two floors for operations and parking and four floors for dwelling units (PL 19-065).
- On July 9, 2019, Planning Commission also approved a height variance for this structure (PL 19-090). Upon appeal to the City Council, it was determined that the height variance did not meet all UDC requirements, and the City Council reversed the Planning Commission decision (Resolution 19-0545R).
- On August 19, 2019, the City Council approved a concurrent use permit (Ordinance 19-035-O) to construct 19 parking stalls in the public right of way of South St. (PL 19-073).

### **Review and Discussion Items**

#### **Staff finds that:**

- 1.) The proposal is for construction of a six-story, 98 unit apartment building, with a site maximum density of 120 units, including a pedestrian easement to improve future pedestrian connections. Approval of the map amendment must include waiver of minimum size site requirements and maximum height requirements as part of a planned development to develop additional housing units in the city.
- 2.) The proposed height of 66' will, by zoning definition, be measured along the primary entrance. The proposed primary entrance would be located along 22<sup>nd</sup> Avenue East. The building will be approximately the same height as the neighboring Endi development. Note that Endi's height calculation was calculated using its existing front entrance along London Road, which is at a higher elevation than the proposed development.
- 3.) 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. In this case, the proposed project is consistent with the future land use designation of Central Business Secondary.
- 4.) The applicant's public benefits listed include a pedestrian easement and public parking along the south side of the building.
- 5.) The 2018 Housing Indicator Report (<https://duluthmn.gov/media/8390/2018-housing-indicator-report.pdf>) identifies the continued need for housing units in Duluth. The proposed development provides housing in an area with existing infrastructure and is consistent with the scale of the surrounding neighborhood. The proposed housing contributes to the general welfare of the community.
- 6.) The applicant intends to hold a neighborhood meeting on October 8, prior to the Planning Commission meeting.
- 7.) No City, agency, or written comments have been received.
- 8.) Rezoning to MU-P requires adoption of an Ordinance by the City Council, which will be followed by administrative adoption of a Regulating Plan consistent with the requirements of the rezoning for the site.

**Staff Recommendation**

Based on the above findings, summarized below, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning to MU-P.

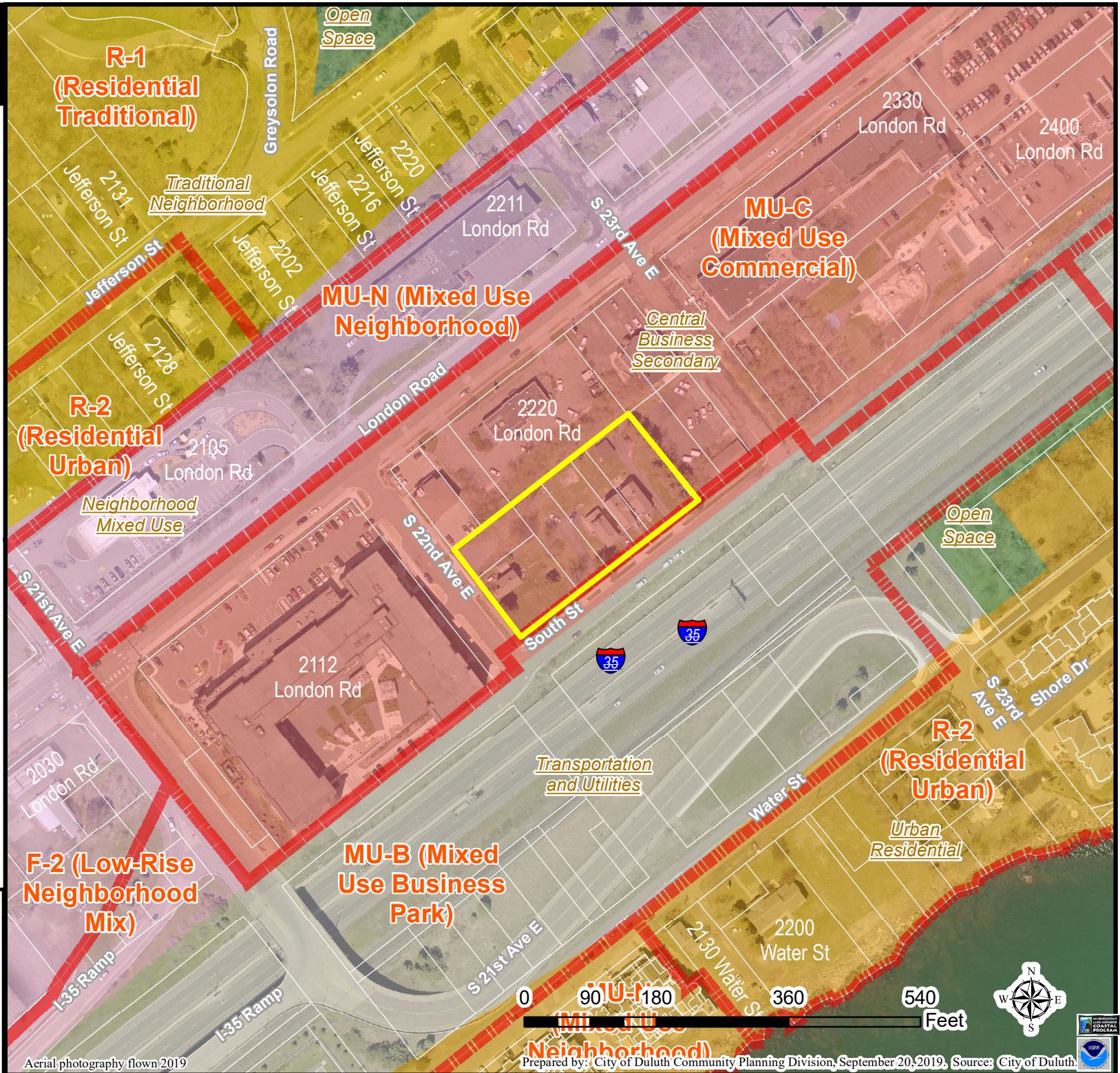
- 1) The proposed zone district is reasonably able to implement the objectives of the Comprehensive Plan related to the land use for this area; and
- 2) The proposed rezoning is related to the overall housing and open space needs of the community and the scale of adjacent land uses; and
- 3) Material adverse impacts on nearby properties are not anticipated.





**Legend**

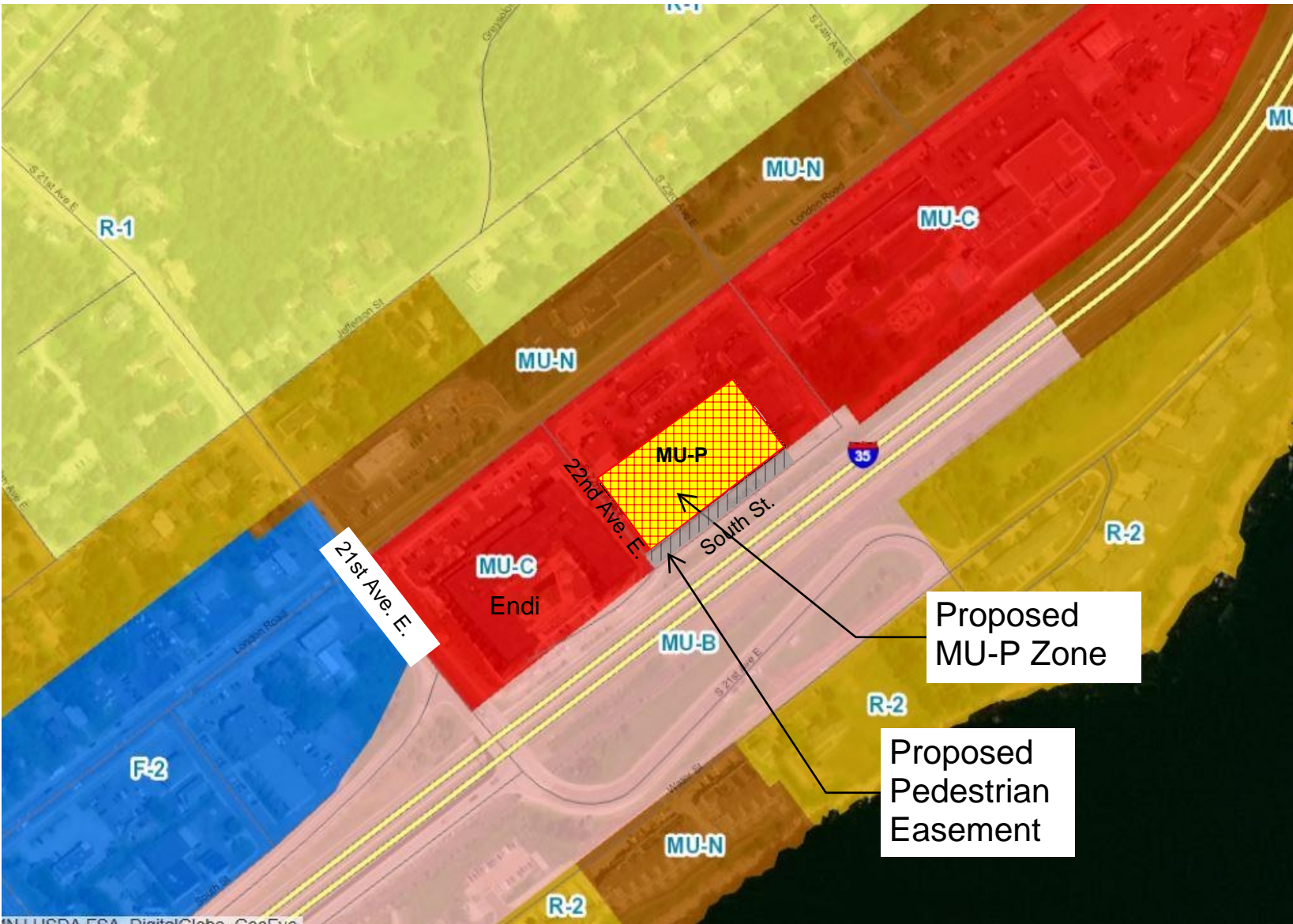
- Zoning Boundaries
- Open Space
- Open Space/Outside Duluth
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Central Business Secondary
- Central Business Primary
- Large-scale commercial
- Tourism/Entertainment District
- Commercial Waterfront
- General Mixed Use
- Neighborhood Mixed Use
- Light Industrial
- General Industrial
- Industrial Waterfront
- Business Park
- Transportation and Utilities
- Transportation and Utilities/Outside Duluth
- Medical District
- Institutional



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**Permitted Uses:**

Dwelling, multi-family

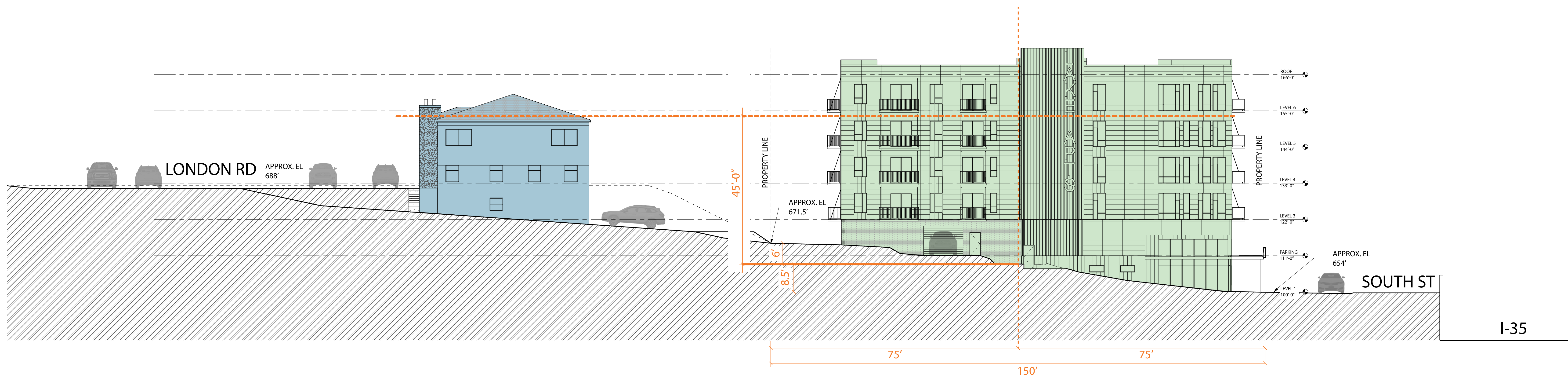
**Density -** Max. 120 units

**Height:** Seeking waiver from base zone district height restriction of 45'. Proposed development to match height of adjacent multifamily property. 66'-0" to top of roof structure

**Site Size:** Seeking waiver from proposed MU-P minimum site size of 2 acres. Proposed site is approximately 1 acre.

Development is intended to maximum potential of site to provide approximately 98 units in a range of apartment unit types from micro to 2 BR. Additional public parking on south street is provided as well as a pedestrian easement to improve connection along site to any potential future pedestrian connections to the pedestrian bridge to the east over I35.

**Site Use Concept Plan**







Google Earth

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## LAUNCH LAKE APARTMENTS

22ND AVE E. & SOUTH ST.  
DULUTH, MN 55812

## 3D VIEWS

Date: 5/7/2019

# A12

Scale:

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