

## EXCERPT – DRAFT MINUTES

City of Duluth  
Planning Commission  
October 8, 2019 Meeting Minutes  
Council Chambers - Duluth City Hall

### Call to Order

President Janet Kennedy called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, October 8, 2019, in city hall council chambers.

### Roll Call

Attending: Jason Crawford, Gary Eckenberg, Janet Kennedy, Michael Schraepfer, Sarah Wisdorf, and Zandra Zwiebel

Absent: Tim Meyer, Margie Nelson, and Andrea Wedul

Staff Present: Adam Fulton, Robert Asleson, John Kelley, Kyle Deming, and Cindy Stafford

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**PL 19-139** UDC Map Amendment for an MU-P district on South Street by Launch Properties  
Recommended Motion: Approve

**Staff:** Interim Director Fulton introduced the applicant's proposal to rezone from Mixed Use Commercial (MU-C) to Mixed Use-Planned (MU-P) to build approximately 98 units of multi-family housing. Staff recommends approval of the rezoning to MU-P and the waiver of MU-P requirements for total height and minimum site size. The building would be 66' high on South Street and 44' high on the upper side of the street. Fulton stated that the applicant is requesting waiver from the minimum size in the MU-P district of 2 acres, as the site is smaller than 2 acres, and the maximum modification in height limitations in the MU-P district. The regulating plan will be brought forward after this process, and then the next step would be a building permit. Zwiebel asked if the planning commission would ever see the details of the plan. Interim Director Fulton, noted it is done administratively, and the regulating plan must follow the ordinance. He stated that it would be something that could be brought before the Planning Commission as an informational item. The applicant is still proposing the same building as in its previous application.

**Applicant:** Scott Moe of Launch Properties addressed the commission and asked if there were any questions. Eckenberg asked how this rezoning concept become an option. Moe noted the interpretation of the code is a legal cat and mouse game and this application was recommended by his legal counsel. If the land was flat, they wouldn't need the variance. He doesn't feel the view will affect the dental office at the increased height versus what's allowed. He feels it is common sense, that hiring workers, increased housing and increased tax revenue outweigh the lost view.

**Public:** Robert LaCosse, owner 2200 London Rd, addressed the commission. They are opposed to the MU-P rezoning. This zoning is for multiple buildings built around playgrounds and sidewalks. The proposed development is nothing like this. There are 17 criteria needed for MU-P rezoning. This proposed development meets none. He noted a

two acre lot is the minimum size allowed in an MU-P. This proposed development is only one acre. He isn't opposed to development, but noted what is built should be within the law. He asked the commissioners to enforce the law. Eckenberg asked for clarification on 65' height that Endi didn't have. Interim Director Fulton noted Endi was able to build because they owned the land up to London Road. John Kolar, owner of the property being acquired by Launch Properties, addressed the commission. He noted the increased taxes they had to pay when the house was razed. The city will benefit enormously from this project. He supports the rezoning and urged the commissioners to support it, too.

**Commissioners:** Michael Schraepfer confirmed the height would be less going from the side. He asked if more is allowed in an MU-P. Interim Director Fulton noted MU-P is flexible, but more would need to be approved the planning commission. Zwiebel noted the apartments would be small compact units and could have murphy beds. She noted this is somewhat unique. Schraepfer provided detail regarding murphy beds. Jason Crawford asked about the elevation diagram. Interim Director Fulton stated the orange line on the diagram is the mid-point, and designates what would be allowed by right in the current zoning district for MU-C. Crawford asked about the waiver from the required minimum two acre lot size to allow for only one acre. Interim Director Fulton noted the two acre lot minimum is targeted for more of a greenfield cluster-type development, and not an urban setting where redevelopment is happening. The 2018 comp plan directs development to urban sites, so it is likely the minimum lot size will be modified in the future. Schraepfer stated that the planned development is straight forward. The alternative would be to make the developer meet the code. If they give concessions to one developer, they should give concessions to everyone. Wisdorf noted they have made concession in the past. Scott Moe noted they are not seeking public assistance. They want an economical viable project. The dental office is going to lose their view anyway. The concession do not apply to everyone. This is a unique situation. Eckenberg confirmed there is a change in the entrance from South Street to 22<sup>nd</sup> Avenue East. Schraepfer noted the developer is making concessions. Wisdorf asked if the commissioners want to add a connectivity requirement to the motion. Interim Director Fulton stated it could be added, and that there are already sidewalks around the site. Zwiebel asked if they could see a final plan before they break ground. Fulton noted it could be a condition to see the regulating plan. Moe states there are no changes, and there will be sidewalk connectivity. Chair Kennedy notes LaCrosse's criteria comments and asks staff to comment. Interim Director Fulton lists verbiage from UDC 50-15.7. He states that on balance the development was creative and staff found sufficient justification that the project meets the modification "C" clause.

**MOTION/Second:** Schraepfer/Wisdorf recommend approval as per staff's recommendations, which includes the waiver of MU-P requirements for total height and minimum site size.

**VOTE: (6-0)**