

..Title

RESOLUTION REVERSING THE PLANNING COMMISSION'S DECISION TO APPROVE A PLANNING REVIEW FOR A 15-ROOM ADDITION AT 1033 MINNESOTA AVENUE.

..Body

CITY PROPOSAL:

RESOLVED, that the city council finds as follows:

- (a) On September 20, 2018, Park Point Marina Inn and Suites LLC (the "Applicant") submitted an application (Planning Commission File No. "PL 18-122," staff report attached as Attachment A) for a mixed-use waterfront (MU-W) planning review to allow a 15-room, 3-story, 6,100 sq. foot addition to an existing hotel at 1033 Minnesota Avenue;
- (b) On January 29, 2016, in connection with a previous application (PL 15-030) pertaining to the same property, the Land Use Supervisor issued an interpretation of Section 50-15.6 E (2) of the Duluth City Code, 1959, as amended, that portions of the hotel in front of existing buildings do not contribute to the allowed 200 foot width along the waterfront, a copy of which is attached hereto as Attachment B;
- (c) The planning commission considered the application at its October 9, 2018, and November 13, 2018 regular meetings and at its November 13 meeting determined that the proposal generally met the purpose and requirements of the MU-W zone district, subject to conditions 1 through 5 as set forth in its Action Letter dated November 14, 2018, a copy of which is attached hereto as Attachment C, and approved Applicant's Application, subject to said conditions.
- (d) On November 20, 2018, the city received an appeal from Wallace and Deborah Medlin, a copy of which is attached hereto as Attachment D, requesting the city council reverse the planning commission's decision to approve the planning review;
- (e) The city council heard the appeal at its January 14, 2019 meeting;
- (f) **The city council finds that the proposed project exceeds the 200ft maximum width requirement based upon a reasonable definition of what constitutes a view that is blocked by topography**

FURTHER RESOLVED, that the decision of the planning commission to approve the planning review is reversed on the grounds that approval of the Application of Applicant would violate Section 50-15.6 E (2) of the Duluth City Code, 1959, as amended, in that it would authorize development which exceeds the 200-foot maximum width along the waterfront as set forth in that Section.

..Statement of Purpose

STATEMENT OF PURPOSE: The resolution reverses the planning commission's decision to approve the Planning Review for a 15-room addition to the existing hotel at 1033 Minnesota Avenue.

The hotel is on property zoned Mixed Use Waterfront (MU-W). One of the zoning requirements (Section 50-15.6 E (2) of the Code) is that the maximum width of any primary structure cannot exceed 200 feet measured along the shoreline of the harbor, but this limitation does not apply to portions of buildings that do not block the harbor view from a street (Minnesota Avenue) "due to the topography or the location." The development or expansion of a use such as the hotel requires plan approval by the planning commission.

The original hotel received approvals in 2012 and contains 68 rooms. In 2015, the applicant was interested in expanding the hotel. The Applicant sought a determination on the applicability of the above-referenced exception under Section 50-15.6 E (2). In defining the maximum width for the structure with the addition, the applicant submitted that the definition of topography includes natural features, such as vegetation, and man-made features, such as structures. Staff found this is consistent with dictionary definitions of "topography," and given an absence of a differing definition in the UDC, a dictionary definition was applied. The Land Use Supervisor interpretation of the regulations determined that areas which were occupied by trees and the existing marina building should be excluded from the 200-foot maximum. Based on this interpretation, the proposal met MU-W requirements. Planning commission conditioned its approval on the applicant meeting transparency (window) and parking requirements.

The Applicant has now applied (PL 18-122) to construct another addition to the hotel. The Planning Commission reviewed the proposed application, applying the Land Use Supervisor's interpretation (Attachment B) and approved the Application, subject to the conditions as set forth in Action Letter (Attachment C).

Wallace and Deborah Medlin have appealed that determination. The Medlins' home is located at 1106 Minnesota Avenue directly across Minnesota Avenue from the proposed addition.

City Council Appeal Received: November 20, 2018

Complete Application Received: September 20, 2018

Action Deadline for Application: January 18, 2019