



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

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<b>File Number</b>	PL 19-090		<b>Contact</b>	Chris Lee, clee@duluthmn.gov	
<b>Type</b>	Variance from multi-family height requirements with 500' of R-zones		<b>Planning Commission Date</b>		July 9, 2019
<b>Deadline for Action</b>	<b>Application Date</b>	June 25, 2019	<b>60 Days</b>	August 24, 2019	
	<b>Date Extension Letter Mailed</b>	June 25, 2019	<b>120 Days</b>	October 23, 2019	
<b>Location of Subject</b>		2215 London Road			
<b>Applicant</b>	Launch Properties		<b>Contact</b>	Scott Moe	
<b>Agent</b>	Kimley-Horn; DSGW		<b>Contact</b>	Brian Wurdeman, Scott Erickson	
<b>Legal Description</b>		PID 010-2830-00370			
<b>Site Visit Date</b>		June 25, 2019	<b>Sign Notice Date</b>		June 25, 2019
<b>Neighbor Letter Date</b>		June 25, 2019	<b>Number of Letters Sent</b>		14

**Proposal**

The applicant is requesting a variance from the height requirements in the MU-C district for a multi-family apartment building. The MU-C district allows heights of 75 feet, except within 500 feet of R-1 and R-2 districts, where the height restriction is 45 feet. The proposed building is 253 feet from an R-2 district, and 350 feet from an R-1 district. The proposed structure is 66 feet in height, though the overall height varies due to topography.

**Recommendation**

Staff recommends approval of the variance based on the findings below.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-C	Single Family homes	Central Business Secondary
<b>North</b>	MU-C	Commercial	Neighborhood Mixed Use
<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/Mixed Use	Central Business Secondary

### **Summary of Code Requirements**

Sec. 50-15.3-1 - Table 50-15.3-1 sets a maximum height of 45 ft. for a residential use within 500 ft. of R-1 or R-2 districts.

Sec. 50-37.9.B – Variance Procedures: “The Planning Commission shall... make a decision on the application based on the criteria in subsections 50-37.9.C – 50-37.9.M...”

Sec. 50-37.9.C – General Variance Criteria (paraphrased): Granting of variances of any kind is limited to situations where, due to characteristics of the applicant’s property, enforcement of the ordinance would cause the landowner exceptional practical difficulties or undue hardship. The Planning Commission must find the following for a variance to be granted: a) that the landowner is proposing to use the property in a reasonable manner, b) that the need for relief from the normal regulations is due to circumstances unique to the property and not caused by the landowner, c) that granting the variance will not alter the essential character of the area, d) that granting the variance is consistent with the intent of the UDC and the Comprehensive Plan.

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

Principle #5 -Promote reinvestment in neighborhoods.

Duluth is strongly defined by its neighborhoods. This system should be supported through land use and transportation that foster neighborhood reinvestment. New development or redevelopment should maximize public investment that strengthens neighborhood commercial centers or diversifies residential opportunities that fit the neighborhood’s character.

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

Cities have evolved as a mix of land uses, building types, housing types, and activities. Accommodating choice while protecting investment is a balance to strike in land use regulation. Mixed uses provide opportunity for a diversity of activity that segregated, uniform uses do not provide.

#### **Future Land Use**

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.

## **Review and Discussion Items**

Staff finds that:

- 1) The applicant proposes to construct a 4-story apartment building. This building will have 98 apartment units and sits on approximately 1.04 acres. The structure is proposed to be 66 feet tall and feature four stories of units and interior parking on the ground floor.
- 2) The proposed building will be lower in height than the apartment building to the west, Endi Apartments.
- 3) This property is approximately 253 feet from R-2 to the south east and 350 feet to the northwest R-1 zone district.
- 4) Staff evaluated and found to be valid the practical difficulties the factors impacting building height for this site, including:
  - a. The steep slope of the hillside (topography);
  - b. The shallowness of the bedrock on the site, which impacts the construction basis for setting the building's elevation because of the required off-street parking (geographic conditions);
  - c. The location of the freeway, which impacts the site due to noise and dust, making ground-level units impractical.
- 5) Granting the variance will not alter the essential character of the area. The Endi building is directly west and is a taller building than the proposed structure. This variance would not result in reductions of light and air to surrounding properties. Traffic generation will not exceed typical levels in this location, and will not result in congestion in surrounding neighborhoods. Threats to public safety would not increase. Property values in the area would not be affected by the granting of the variance.
- 6) The proposed height of the property is reasonable and consistent with the intent for site redevelopment in this area.
- 7) The variance, if granted, would not impair the intent of the UDC expressed in Sec. 50-2. The variance is consistent with the Comprehensive Plan designation of the property as Traditional Neighborhood.
- 8) No additional landscaping is recommended as mitigation for the reduced setback per Sec. 50-37.9. H.
- 9) No letters were received concerning this proposed variance.
- 10) Per UDC Section 50-37.1.N, approved variances shall lapse if the project or activity authorized by the permit or variance is not begun within one year of the permit date.

## **Staff Recommendation**

Based on the above findings, staff recommends that Planning Commission approve the variance, subject to the following conditions:

- 1) The project be limited to, constructed, and maintained according to the site plan and building elevations submitted on May 7, 2019 and incorporated by reference herein;
- 2) The height of the building shall not exceed those depicted in the exhibits as submitted;
- 3) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of UDC Chapter 50.





Launch Properties:  
CUP, Plan Review, Variance

**R-1 (Residential  
Traditional)**

**MU-N (Mixed Use  
Neighborhood)**

**MU-C  
(Mixed Use  
Commercial)**

**MU-B (Mixed  
Use Business  
Park)**

8 inch, Vitrict  
Clay Pipe  
497.836346°

8 inch, Polyvinyl  
Chloride  
268.531088°

8 inch, Polyvinyl  
Chloride  
398.245943°

8 inch, Polyvinyl  
Chloride  
258.621178°

Aerial photography flown 2016

0 50 100 200 300 Feet

Prepared by: City of Duluth Community Planning Division, May 3, 2019, Source: City of Duluth.

### Legend

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
  - CITY OF DULUTH
  - WLSSD; PRIVATE
  - Sanitary Sewer Forced Main
- Storage Basin
- PS Pump Station
- Storm Sewer Mains**
  - Storm Sewer Pipe
  - Storm Sewer Catch Basin
  - Vacated ROW
  - Zoning Boundaries
  - Trout Stream (GPS)
  - Other Stream (GPS)

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# Launch Properties Variance

**Legend**  
 500 foot buffer  
 Zoning Boundaries

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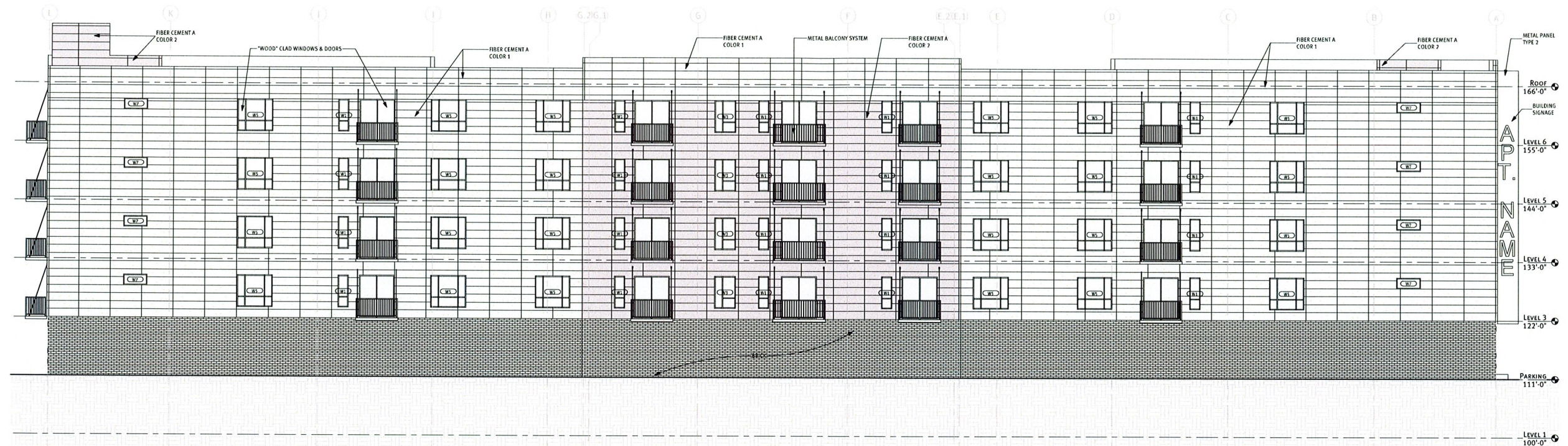
Aerial photography flown 2016

Prepared by: City of Duluth Community Planning Division, May 3, 2019. Source: City of Duluth.

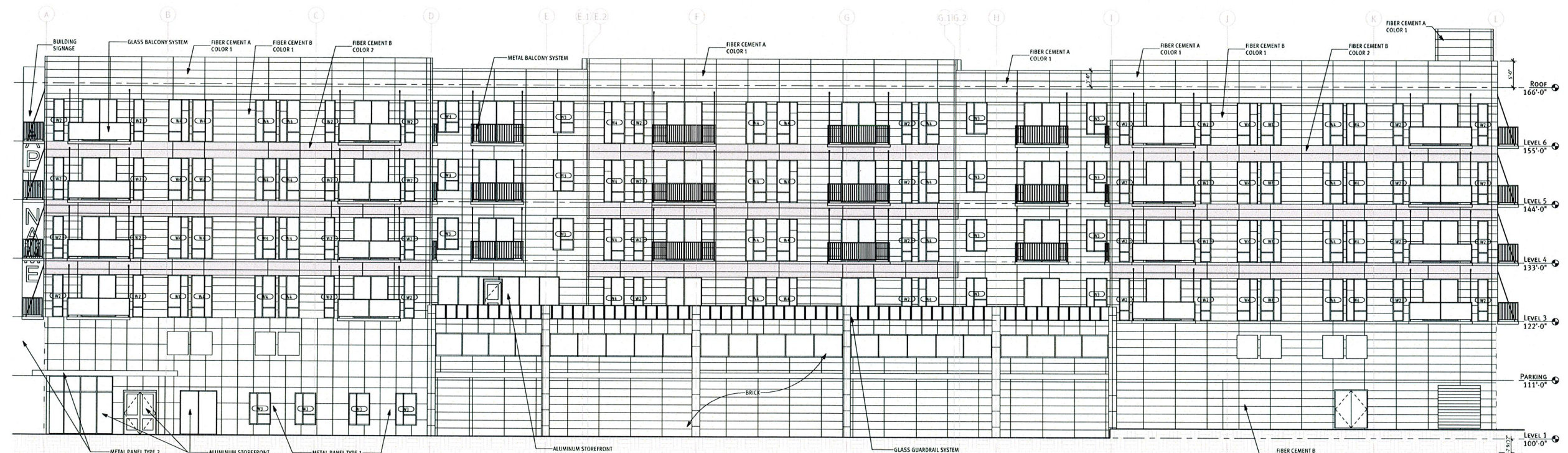






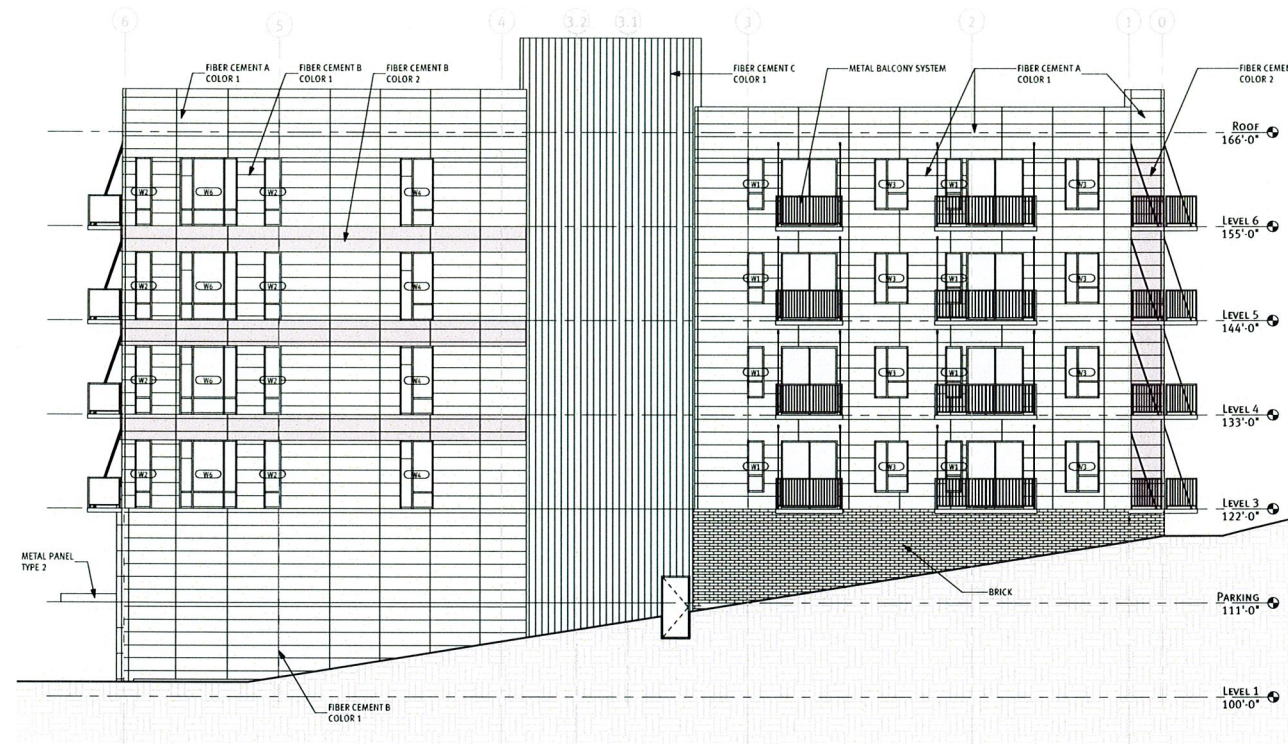


1 NORTH ELEVATION  
1/8" = 1'-0"

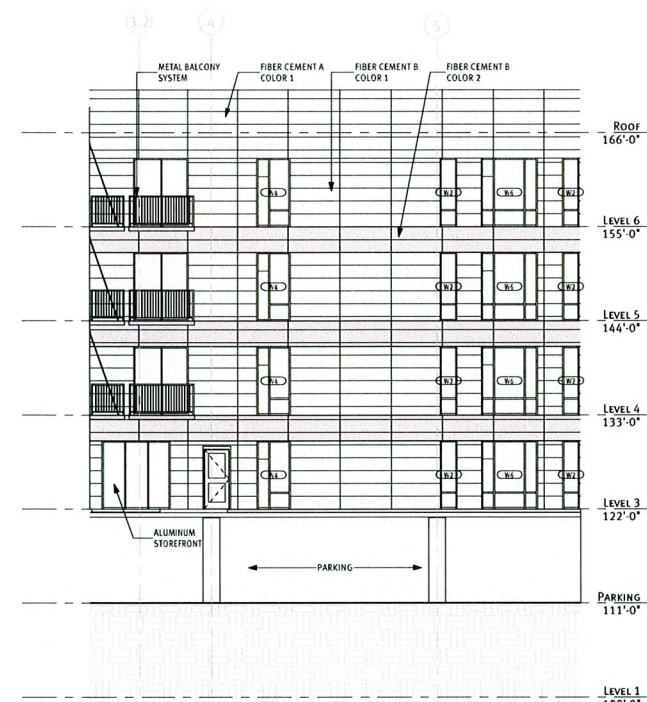


2 SOUTH ELEVATION  
1/8" = 1'-0"

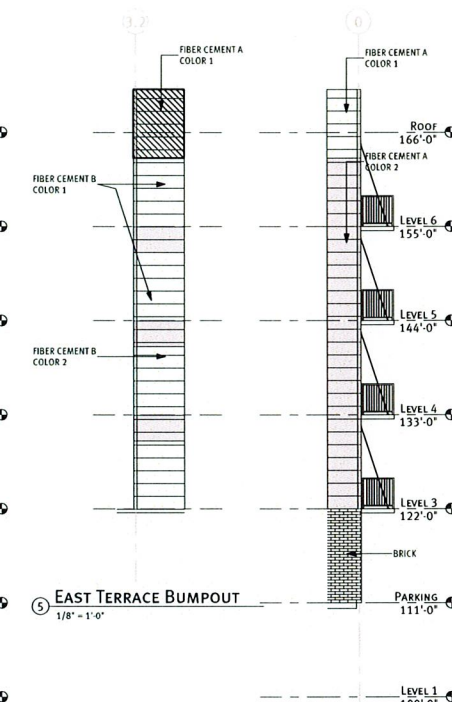




1 EAST ELEVATION  
1/8" = 1'-0"

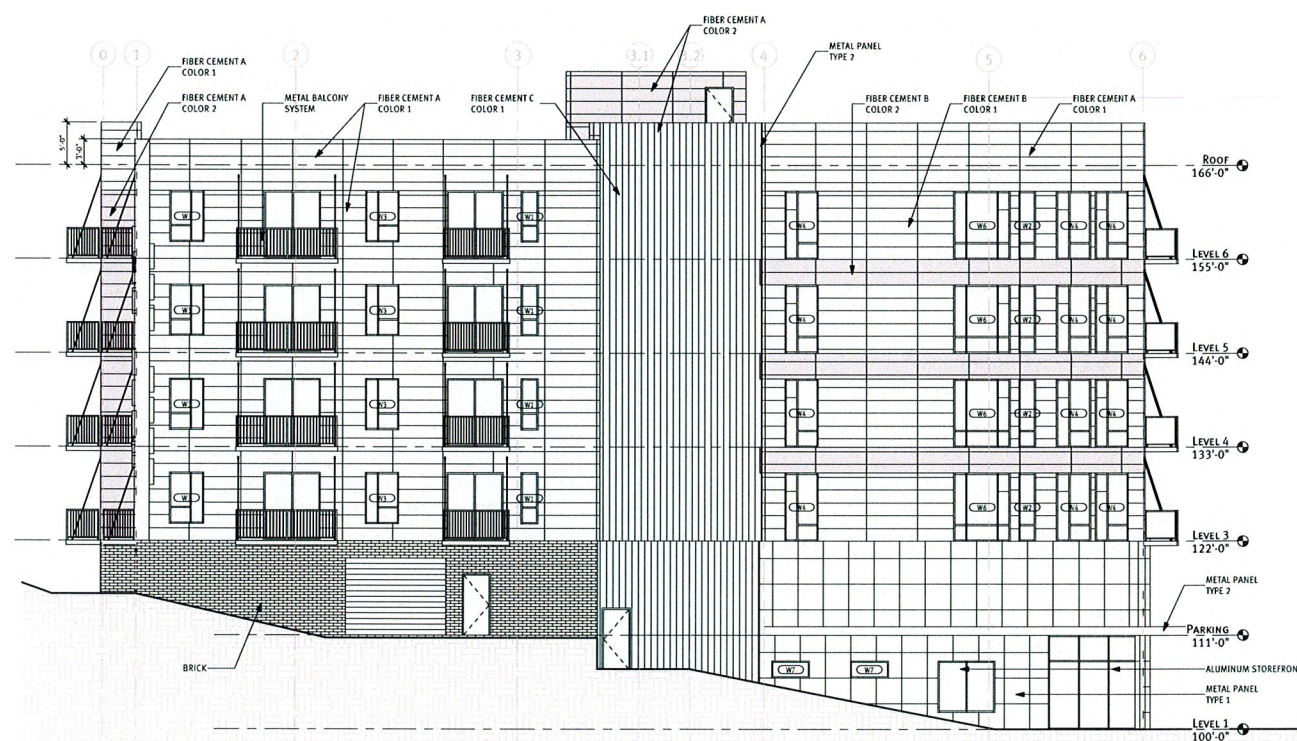


3 EAST TERRACE ELEVATION  
1/8" = 1'-0"

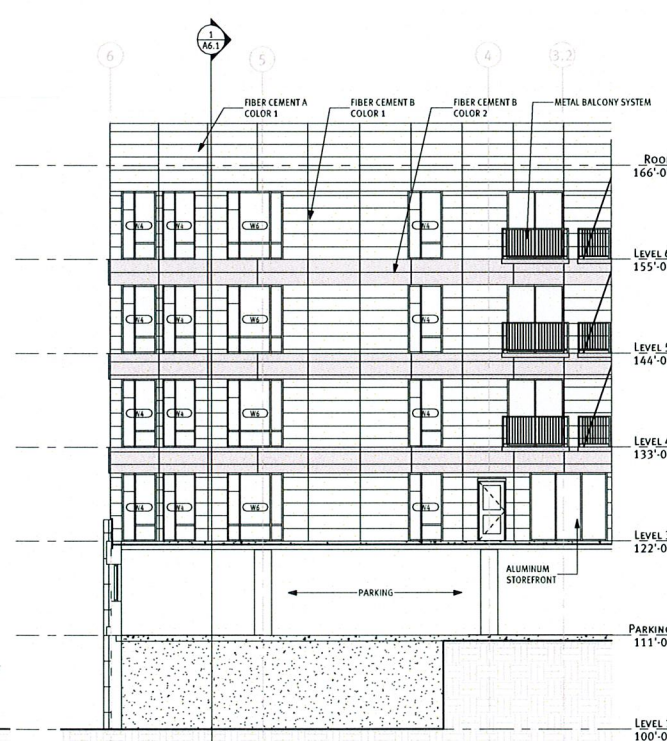


5 EAST TERRACE BUMPOUT  
1/8" = 1'-0"

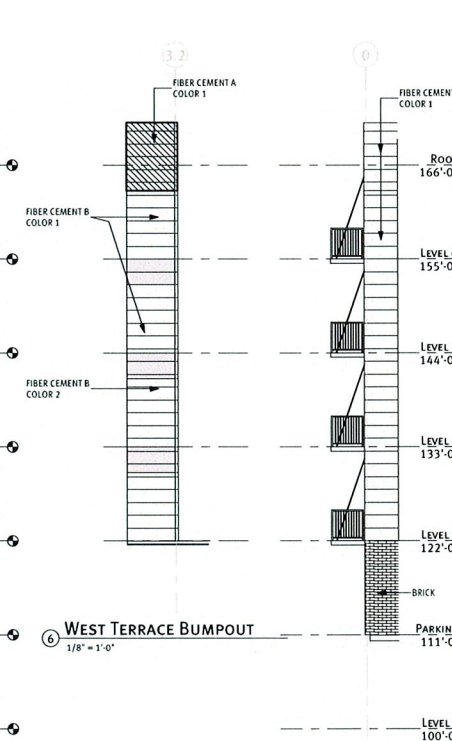
7 EAST HILL BUMPOUT  
1/8" = 1'-0"



2 WEST ELEVATION  
1/8" = 1'-0"



4 WEST TERRACE ELEVATION  
1/8" = 1'-0"



6 WEST TERRACE BUMPOUT  
1/8" = 1'-0"

8 WEST HILL BUMPOUT  
1/8" = 1'-0"





























Launch Properties:  
CUP, Plan Review, Variance

**Legend**

- Trout Stream (GPS)
- Other Stream (GPS)
- 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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*Traditional  
Neighborhood*

*Neighborhood  
Mixed Use*

*Central  
Business  
Secondary*

*Transportation  
and Utilities*

Aerial photography flown 2016

0 50 100 200 300 Feet

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