



Legislation Details (With Text)

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**File created:** 8/9/2019      **In control:** Planning and Economic Development  
**On agenda:** 8/19/2019      **Final action:** 8/20/2019  
**Title:** RESOLUTION AFFIRMING THE PLANNING COMMISSION'S DECISION TO APPROVE LAUNCH PROPERTIES, LLC FOR A VARIANCE TO THE HEIGHT REQUIREMENTS IN A MU-C ZONE DISTRICT AT 2215 SOUTH STREET.

**Sponsors:**

**Indexes:**

**Code sections:**

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

Date	Ver.	Action By	Action	Result
8/19/2019	1	City Council	failed	Fail

RESOLUTION AFFIRMING THE PLANNING COMMISSION'S DECISION TO APPROVE LAUNCH PROPERTIES, LLC FOR A VARIANCE TO THE HEIGHT REQUIREMENTS IN A MU-C ZONE DISTRICT AT 2215 SOUTH STREET.

CITY PROPOSAL:

RESOLVED, that the city council of the city of Duluth hereby finds as follows:

- a) Launch Properties Inc. (the "Applicant") is the owner of the property located at 2215 South Street in Duluth, Minnesota legally described on Attachment 1 (the "Property") upon which Applicant is proposing to construct a six story multi-family housing development (the "Development") having an elevation, for the purposes of Chapter 50 of the Duluth city code (the "Code"), of up to 66 feet;
- b) Pursuant to the Code the Property is zoned as Mixed Use-Commercial ("MU-C"), and as applied to the Property, the maximum permissible height of a development is 45 feet (see Code-Table 50-15.3-1);
- c) On June 25, 2019, Applicant submitted an application for a variance to construct the Development on the Property as reflected in city planning commission file no. PL 19-090;
- d) Pursuant to section 50-37.9 of the Code, in order for the Applicant to be eligible to receive a variance to allow the proposed Development, the Applicant and the Property must meet or otherwise not violate the criteria set forth in Section 50-37.9 C-M of the Code:
- e) At its regularly-scheduled meeting on July 9, 2019 the planning commission held a duly-noticed public hearing on the application and at the conclusion thereof and in consideration of the file no. PL 19-090 and the testimony adduced at the public hearing, the planning commission approved the granting of the variance applied for as complying with the requirements of the Code.
- f) On July 17, 2019, the city clerk received an appeal from Robert and Ann LaCosse (see Attachment 2) requesting the city council reverse the planning commission's decision to approve the variance;

g) On August 19, 2019 at its regularly-scheduled meeting the Duluth city council considered the above appeal and, based on the entirety of the record before the planning commission and the city council, the city council finds as follows:

- a. The Applicant is seeking a variance from the maximum height requirements stating that multifamily developments with 500 feet of R-districts are limited to 45 feet in height. (Table 50-15.3-1) The building is 66 feet in height at its downhill (SE) boundary on South Street, and 44 feet in height at its uphill (NW) boundary.
- b. The Applicant is proposing a reasonable use of the site consisting of a multifamily building with parking located on the interior of the building. This project is also consistent with the purpose statement of MU-C zoned districts.
- c. Relief from the building height requirement is needed due to the locations of the R-districts near this site along with the topographic and other geographic factors that cause practical difficulties in site development. The site has significant ledge and bedrock that will already need removing to accommodate the required parking for the structure. With this parking on the second floor, the remaining floors provide the space for residential units. Due to the grade of the site, the residential units would be approximately 3 feet above grade on the uphill side and 22 feet from the front on South Street. This building is located approximately 253 feet from an R-2 district and 350 feet from an R-1 district.
- d. The proposed development will not alter the essential character of the area. The resulting building will be similar in scale to other sites on London Road, specifically the Endi building. Landscaping elements along the street will create an attractive street presence and will enhance the pedestrian experience.

RESOLVED FURTHER that the appeal of the grant of the variance to the Applicant for the Development by the planning commission which is the subject of this appeal is hereby denied and grant of variance is hereby affirmed.

STATEMENT OF PURPOSE: The resolution affirms the planning commission's decision to approve Launch Properties for a height variance at 2215 South Street.

City Council Appeal Received: July 17, 2019

Complete Variance Application Received: June 25, 2019

Action Deadline for Variance Application: October 23, 2019