



Legislation Details (With Text)

File #: 19-0545R **Name:**
Type: Resolution **Status:** Passed
File created: 8/9/2019 **In control:** Planning and Economic Development
On agenda: 8/19/2019 **Final action:** 8/19/2019
Title: RESOLUTION REVERSING 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	adopted as amended	Pass

RESOLUTION REVERSING 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:

h) The height variance exceeds the 10% dimensional variances allowed in the MU-C under the City Code.

[Note to Council: the council is required to articulate the grounds on which the action of the variance is being denied.]

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 approved and grant of variance is hereby denied.

STATEMENT OF PURPOSE: The resolution reverses the planning commission's decision to approve Launch Properties 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