



Legislation Text

File #: 19-0019R, **Version:** 1

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

CITY PROPOSAL:

(a) On September 20, 2018, Park Point Marina Inn and Suites LLC (the "Applicant") submitted an application (Planning Commission File No. "PL 18-122") 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 A;

(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 B, 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 C, 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;

FURTHER RESOLVED, that the decision of the planning commission to approve the planning review is affirmed on the grounds that approval of the Application of Applicant would not violate Section 50-15.6 E(2) of the Duluth City Code, 1959, as amended, in that it would not authorize development which exceeds the 200-foot maximum width along the waterfront as set forth in that Section.

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

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 about width of the structure parallel to the water for the purposes of Section 50-15.6 E (2) of the Code. The MU-W district requires all primary structures to have a maximum width of 200 feet and further specifies that the requirements do not apply to portions of buildings that do not block views "due to topography or location." In defining the maximum width for this specific site, 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 (PL18-122) to construct another addition to the hotel. The Planning Commission reviewed the proposed application, applying the Land Use Supervisor's interpretation (Attachment A) and approved the Application, subject to the conditions as set forth in Action Letter (Attachment B).

Wallace and Deborah Medlin have appealed that determination.

City Council Appeal Received: November 20, 2018
Complete Application Received: September 20, 2018
Action Deadline for Application: January 18, 2019