



Planning & Development Division
Planning & Economic Development Department

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File Number	PL 21-103	Contact	Kyle Deming	
Type	Interim Use Permit– Vacation Dwelling Unit in Form District	Planning Commission Date		July 13, 2021
Deadline for Action	Application Date	June 14, 2021	60 Days	August 13, 2021
	Date Extension Letter Mailed	June 24, 2021	120 Days	October 12, 2021
Location of Subject	325 South Lake Avenue, Unit 1302			
Applicant	Jason and Betsy Norman	Contact		
Agent		Contact		
Legal Description	Unit B31 and an undivided interest in common areas, CIC #29 Waterfront Plaza Condominiums (010-4444-00290)			
Site Visit Date	June 29, 2021	Sign Notice Date	June 28, 2021	
Neighbor Letter Date	June 28, 2021	Number of Letters Sent	47	

Proposal

Applicant is proposing a new interim use permit for a vacation dwelling unit. The permit would allow for a 2-bedroom condominium with a maximum of 5 occupants in the F-5 form district.

Vacation dwelling units located in form districts are exempt from minimum night stays and parking, and there is no cap on number of permits issued.

Staff is recommending Planning Commission recommend approval.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-5	Mixed Use Building	Tourism/Entertainment District
North	F-5	Mixed Use Building	Tourism/Entertainment District
South	F-5	Mixed Use Building	Tourism/Entertainment District
East	F-5	Parking lot	Tourism/Entertainment District
West	F-5	Parking lot	Tourism/Entertainment District

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the F-5 zone district.

UDC Sec. 50-37.10.E . . . the Council shall only approve an interim use permit, or approve it with conditions, if it determines that:

1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location;
2. The applicant agrees to sign a development agreement with the city.
3. Except for properties within the Higher Education Overlay District as identified in 50-18.5, the minimum rental period

and off-street parking requirements of 50-20.3.U and 50-20.5.M shall not apply for vacation dwelling units or accessory vacation dwelling units in form districts.

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

Governing Principle #8 - Encourage mix of activities, uses, and densities - The issuance of a permit allows an existing structure in the downtown area to be functionally used, decrease vacancy levels, and increase tax base.

Econ. Dev. Policy #3 - Build on Existing Economic Strengths & Competitive Advantages

S9: Encourage expansion of the city's tourism economy through efforts to expand in areas of current activity, such as in Canal Park, but also through marketing and investment in destination neighborhoods and iconic tourism experiences unique to Duluth. The proposed IUP in this location will enhance the level of activity in the downtown, and increase opportunities for additional commerce.

Future Land Use – Tourism/Entertainment: Retail, entertainment, and lodging facilities, meeting facilities, waterfront-related uses, open space uses.

Current History: The property currently is a mixed-use building. The ground floor contains a brewery and taproom. The upper floors are for the Suites Hotel, office space and dwelling units.

Review and Discussion Items:

- 1) Applicant's property is located at 325 South Lake Avenue, Unit 1302. The unit is located on the third floor of The Suites Hotel in Canal Park. The proposed vacation dwelling unit contains 2 bedrooms that would allow for a maximum of 5 guests.
- 2) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicants have listed Jason Norman as the managing agent.
- 3) The site is not required to provide parking. However, the applicant has stated that there is a gated parking area in the rear where out guests will be given access to one parking space during their stay. Additional parking is available at other paid parking lots.
- 4) The site does not have any outdoor amenities, but the applicant has stated that guests will have access to the hotel pool, hot tub, sauna, and game room during their stay. All of these amenities are indoors.
- 5) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 6) Applicant will apply for all relevant permits and licenses and these are contingent upon approval of the Interim Use Permit for a Vacation Dwelling Unit.
- 7) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").
- 8) No comments from citizens, City staff, or any other entity were received regarding the application.

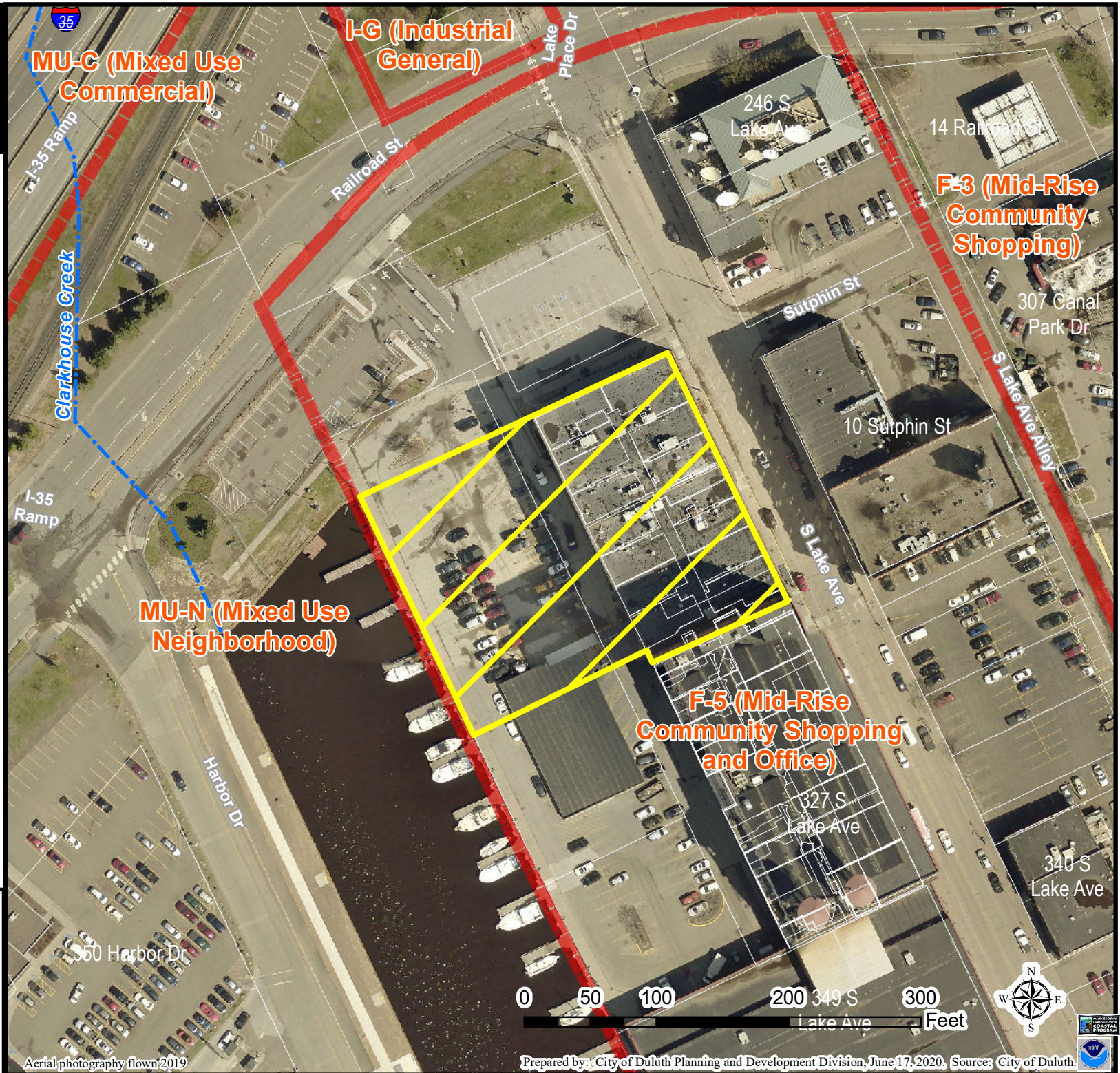
Staff Recommendation:

Based on the above findings, Staff recommends that Planning Commission recommend approval subject to the following:

- 1) The Interim Use Permit shall not be effective until the applicant has received all required licenses and permits for operation.
- 2) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.
- 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 administration approval shall constitute a variance from the provisions of Chapter 50



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 Vacation Dwelling Unit
 in The Suites at
 325 S. Lake Ave.
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Legend

- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)

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Aerial photography flown 2019

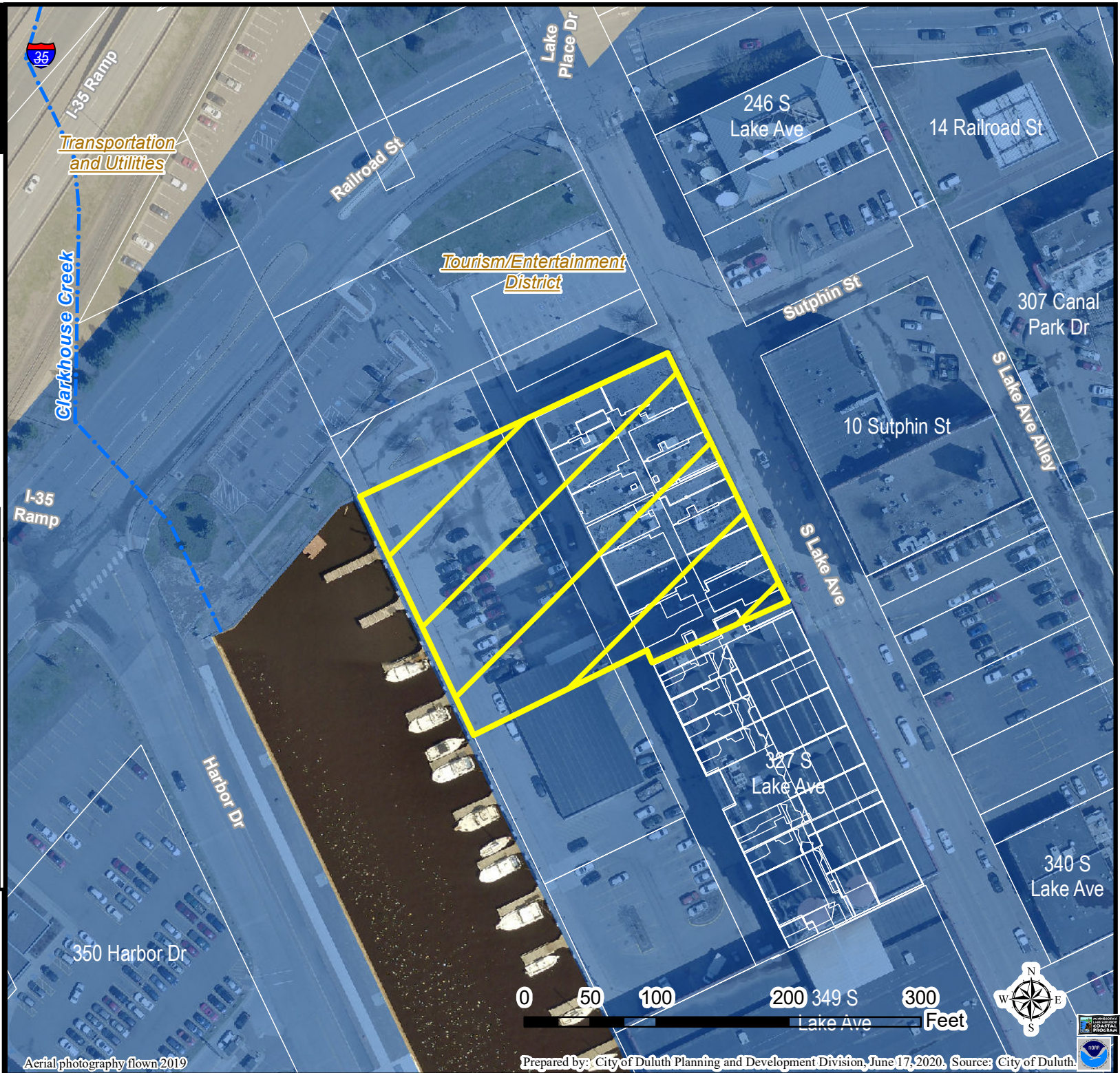
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- Legend**
- Trout Stream (GPS)
 - Other Stream (GPS)
 - Open Space
 - Open Space/Outside Duluth
 - Rural Residential
 - Low-density Neighborhood
 - Traditional Neighborhood
 - Urban Residential
 - Neighborhood Commercial
 - Central Business Secondary
 - 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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Aerial photography flown 2019

0 50 100 200 300 Feet

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THE SUITES HOTEL AT WATERFRONT PLAZA

THE SUITES HOTEL AT WATERFRONT PLAZA

BARR

HOOPS BREWING

OOPS

KRACKEN

SCOUT