



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 19-117		Contact	Kyle Deming, kdeming@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit		Planning Commission Date		September 10, 2019
Deadline for Action	Application Date		August 7, 2019	60 Days	October 6, 2019
	Date Extension Letter Mailed		August 21, 2019	120 Days	December 5, 2019
Location of Subject		30 North First Avenue West (Downtown)			
Applicant	Jason Taly / Rachel Wagner		Contact		
Agent			Contact		
Legal Description		Nly 40 feet of Lots 14 and 16, Duluth Proper First Division (010-0940-00730)			
Site Visit Date	August 26, 2019		Sign Notice Date		August 27, 2019
Neighbor Letter Date	August 27, 2019		Number of Letters Sent		46

Proposal

Applicant proposes to rent out a 2-bedroom apartment on the 2nd floor of a two-story building downtown to groups in size up to 5 people.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	Downtown Mix (F-8)	Mixed Use – retail & residential	Central Business District - Primary
North	Downtown Mix (F-8)	Mixed Use	Central Business District - Primary
South	Downtown Mix (F-8)	Mixed Use	Central Business District - Primary
East	Downtown Mix (F-8)	Mixed Use	Central Business District - Primary
West	Downtown Mix (F-8)	Institutional	Central Business District - Primary

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the F-8 District.

UDC Sec. 50-37.10.B . . . Council shall make a decision to adopt, adopt with modifications or deny the application based on the criteria in subsection C below. The . . . Council may impose appropriate conditions and safeguards, including but not limited to financial security pursuant to Section 50-37.1.P, a development agreement regarding the design, construction, and operation of the special use, to protect the Comprehensive Land Use Plan, to conserve and protect property and property values in the neighborhood and to ensure that all conditions of the special use permit will continue to meet.

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 or to allow the city time to develop a regulation addressing the potential longer term impacts of the requested use in that location;
2. The applicant agrees to sign a development agreement with the city confirming that (a) approval of the permit will not result in increased costs to the city if the property is later acquired by

the city through eminent domain; (b) the use will be terminated at the applicant's expense on the date(s) stated in the permit, (c) the termination of the interim use as stated in the permit will create no rights to a nonconforming use and no rights to compensation for termination of the use or for the value of any structures or improvements related to the use, and (d) the applicant agrees to all conditions imposed by the city. No interim use permit shall be issued until a development agreement confirming these points is executed.

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

Governing Principle #5 - Strengthen neighborhoods

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

- 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

Future Land Use – Central Business Primary - Encompasses a broad range of uses and intensities: governmental campus, significant retail, entertainment and lodging, opportunities for high-density housing, central plaza, public/open space, public parking facilities, high height and density limits, protection of historic buildings or building groups, form-based guidelines, pedestrian-oriented design, no off-street parking required, but loading required, avenue lake views are protected.

Review and Discussion Items:

- 1) Applicant's property is located at 30 North First Avenue West, which is also known as 30 West First Street in some City records. The vacation dwelling unit is on the second floor of a two-story, mixed-use building constructed in 1883. The proposed vacation dwelling unit contains 4,000 sq. ft., has 2 bedrooms, which would allow for a maximum of 5 guests.
- 2) The applicant lives within the required distance when the property is rented and will notify the owners within 100 feet with their contact info. after Council approval (which is recommended to be a condition of approval).
- 3) Because the property is in a Form district, the provision of off-street parking is not required by the UDC. However, the applicant has leased two parking spaces from a private party that will be available for guests' use. The parking spaces are located off the alley below First Street between 1st Ave. W. and 2nd Ave. W. The applicant has indicated that they will not accept guests with motorhomes or trailers.
- 4) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding 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.
- 5) Applicant has obtained a City of Duluth Tourism Tax permit and has a State Tax ID number for paying sales tax. They have had inspections for the Minnesota Department of Health Lodging License and Fire Operational Permit, but they will need to complete the process and be issued permits from the two entities before their IUP can be issued. Therefore, staff recommends this be a condition of approval. An additional recommended condition is that they apply for, and be issued, a Hotel/Motel License from the City Clerk.
- 6) Applicant must comply with Vacation Dwelling Unit Use Specific Standards, including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").
- 7) No comments from citizens, City staff, or any other entity were received regarding the application.

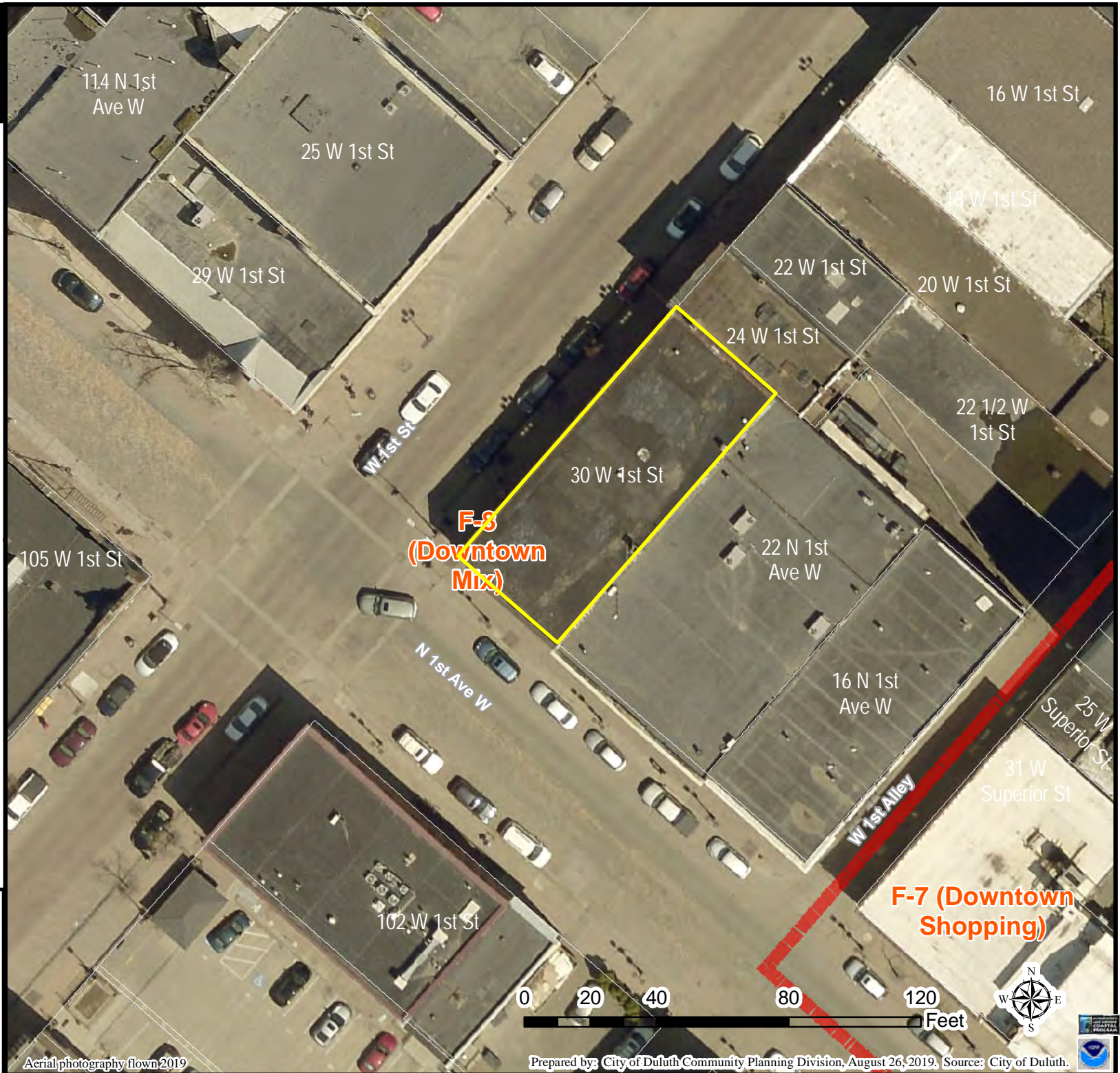
Staff Recommendation:

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, including State Lodging License, Fire Operational Permit, and Hotel/Motel License; and
- 2) The Interim Use Permit shall not be effective until the applicant has provided evidence that property owners within 100 feet of the vacation dwelling unit have been noticed with their or their managing agent's contact info.; and
- 3) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit document and provide evidence of compliance, which will be included in the resolution, and any modifications deemed necessary by the Land Use Supervisor, provided that no such administrative approval shall constitute a variance from Chapter 50.



PL 19-117
 Vacation Dwelling Unit
 Interim Use Permit
 30 N 1st Ave W
 Jason Taly/Rachel Watson



Legend

Easement Type

- Utility Easement
- Other Easement

Zoning Boundaries

Floodplain (UDC)

- General Flood Plain
- Flood Way
- Flood Fringe

Shoreland (UDC)

- Cold Water
- Natural Environment
- General Development
- Wetlands (NRR)

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

Aerial photography flown 2019

Prepared by: City of Duluth Community Planning Division, August 26, 2019, Source: City of Duluth.





PL 19-117
 Vacation Dwelling Unit
 Interim Use Permit
 30 N 1st Ave W
 Jason Taly/Rachel Watson

MU-N (Mixed Use Neighborhood)

F-5 (Mid-Rise Community Shopping and Office)

F-7 (Downtown Shopping)

F-8 (Downtown Mix)

MU-C (Mixed Use Commercial)

Legend

Easement Type

- Utility Easement
- Other Easement
- Zoning Boundaries

Floodplain (UDC)

- General Flood Plain
- Flood Way
- Flood Fringe

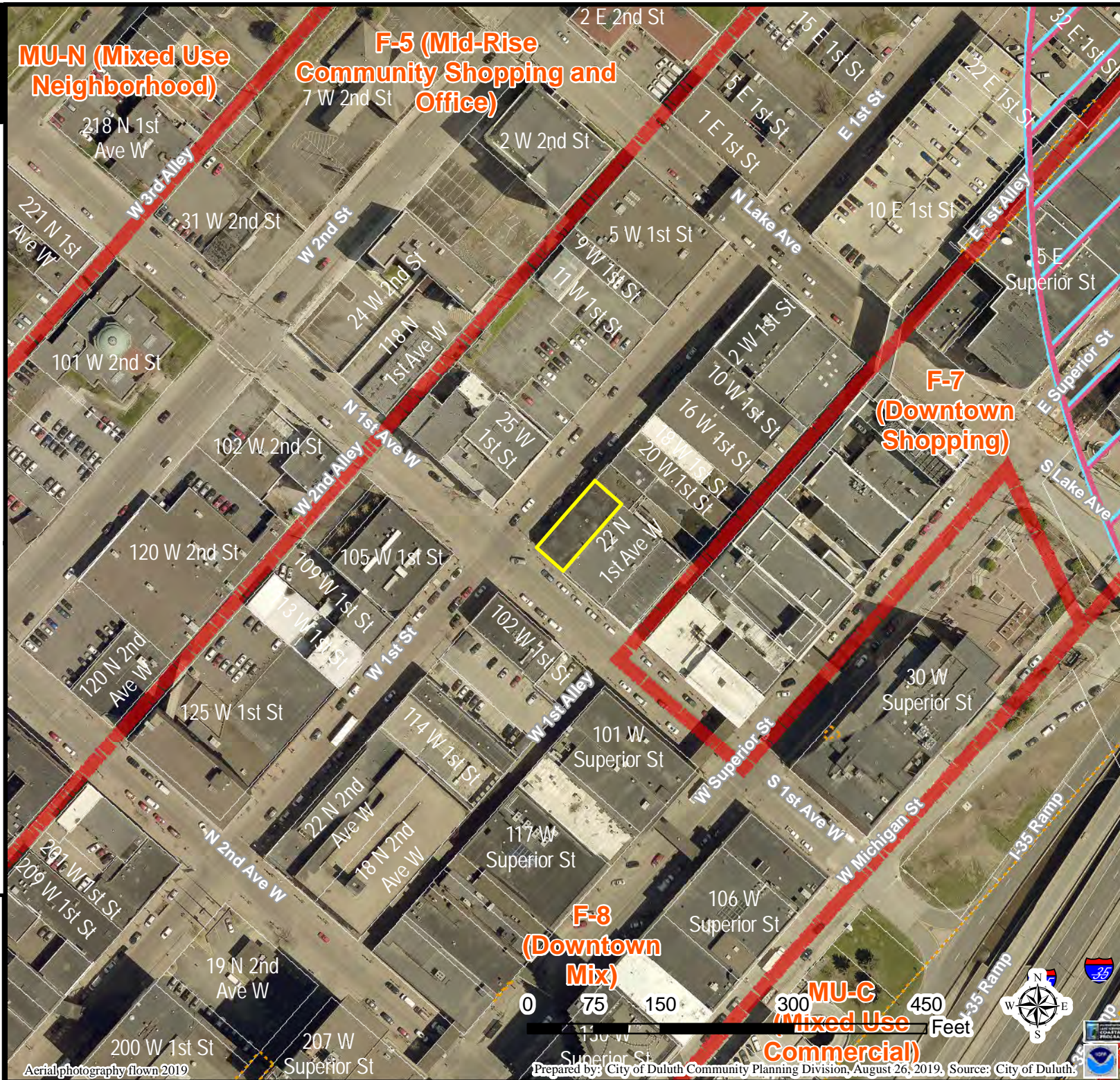
Shoreland (UDC)

- Cold Water
- Natural Environment
- General Development
- Wetlands (NRR)

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

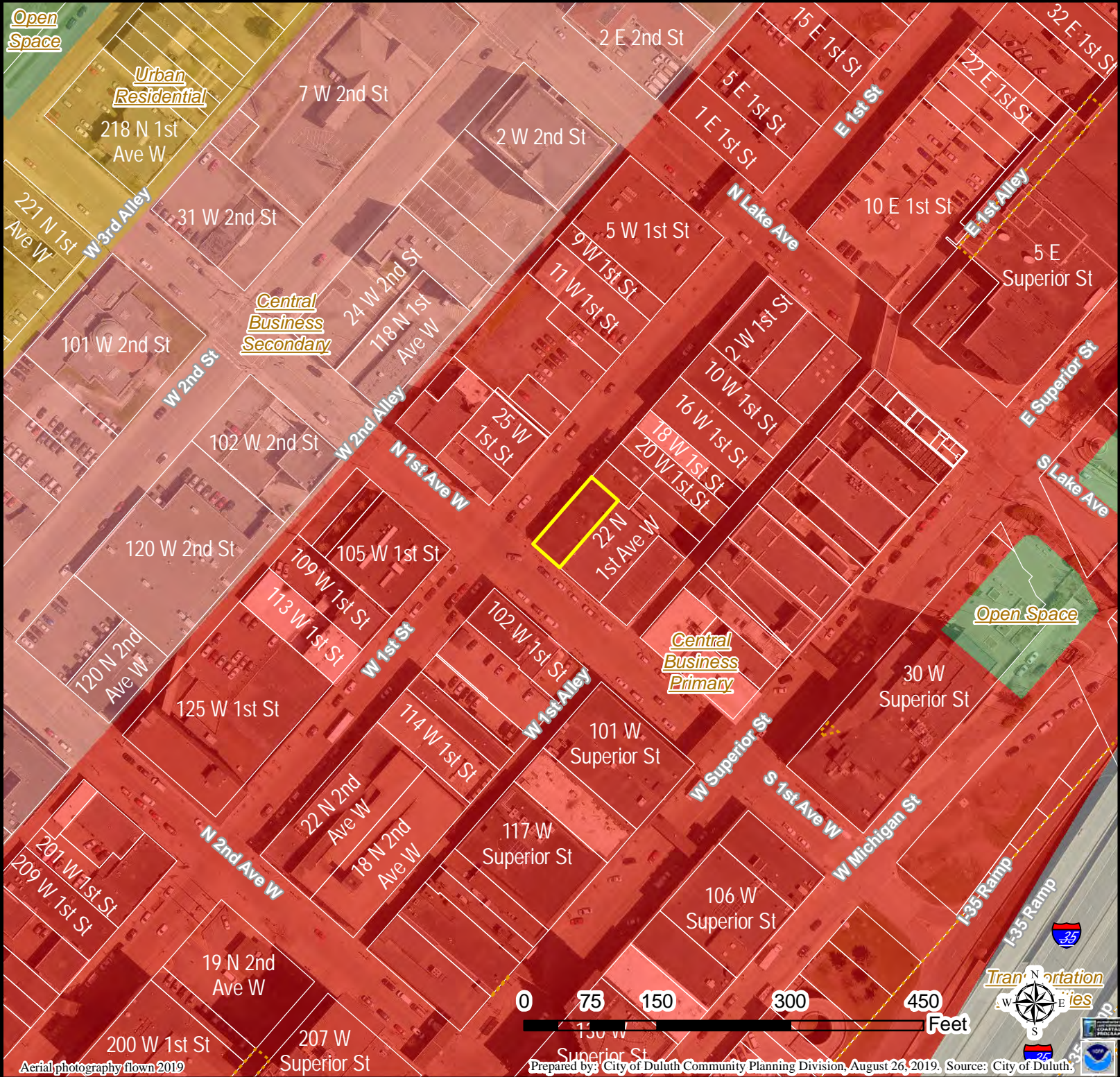
Aerial photography flown 2019

Prepared by: City of Duluth Community Planning Division, August 26, 2019, Source: City of Duluth.





PL 19-117
 Vacation Dwelling Unit
 Interim Use Permit
 30 N 1st Ave W
 Jason Taly/Rachel Watson



Legend

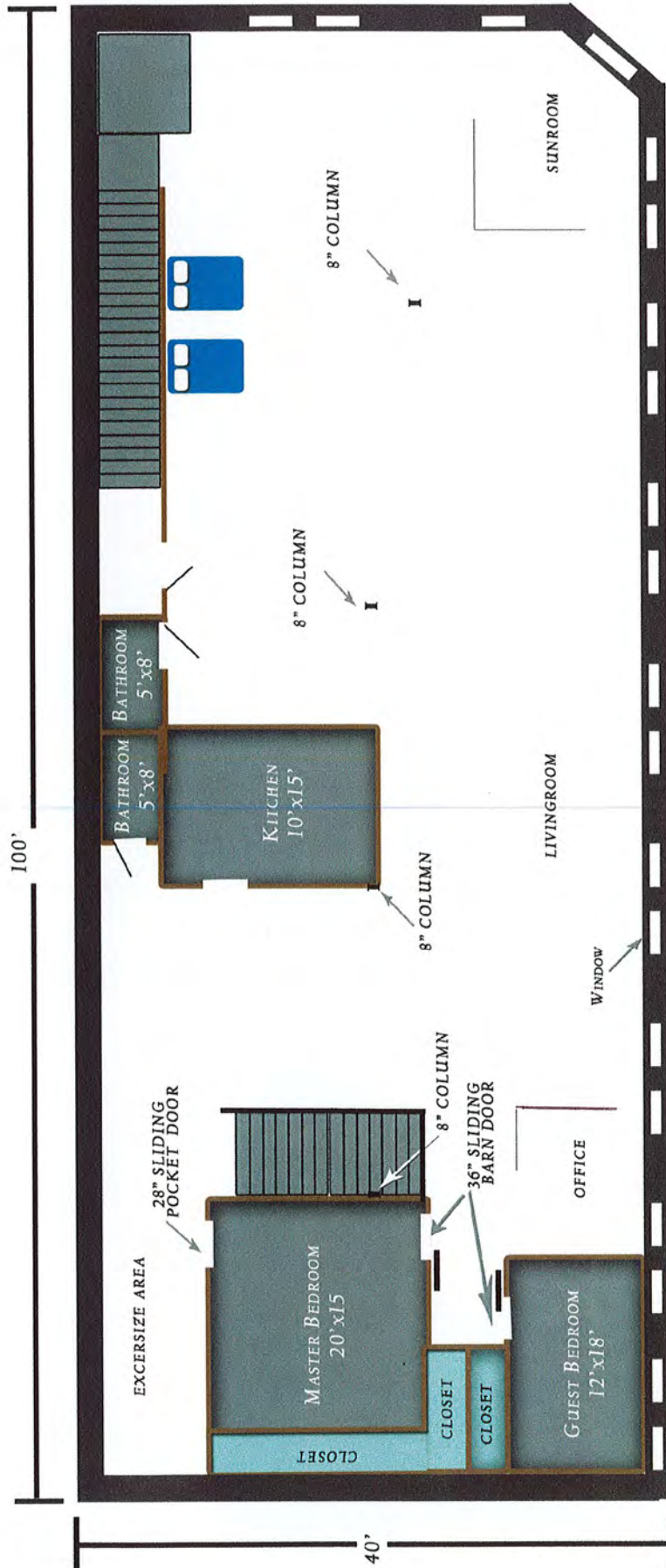
Easement Type

- Utility Easement
- Other Easement
- 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

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

Aerial photography flown 2019

Prepared by: City of Duluth Community Planning Division, August 26, 2019. Source: City of Duluth.









Vacation Dwelling Unit Worksheet (April 2018)

1. The minimum rental period shall be not less than two consecutive nights. **What will be your minimum rental period?** 2 nights

2. The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two.

How many legal bedrooms are in the dwelling? What will be your maximum occupancy?

2 5

3. Off-street parking shall be provided at the following rate:

a. 1-2 bedroom unit, 1 space

b. 3 bedroom unit, 2 spaces

c. 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.

d. Vacation dwelling units licensed on May 15, 2016, are entitled to continue operating under the former off-street parking requirement. The parking exemption for vacation dwelling units licensed on May 15, 2016, expires upon transfer of any ownership interest in the permitted property.

How many off-street parking spaces will your unit provide? 0

4. Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at the site, on or off the street. **Will you allow motorhome or trailer parking? If so, where?**

NO

5. The property owner must obtain all licenses and permits from the City of Duluth and State of Minnesota required for guest occupancy on the property for 2 to 29 days. Provide copies of the lodging and fire inspection reports with your initial application.

Mn Department of Health Lodging License (Requires Inspection)

City of Duluth Fire Operational Permit (Requires Inspection)

City of Duluth Hotel/Motel License

City of Duluth Tourism Tax Number [REDACTED]

State of Mn Tax Identification Number [REDACTED]

6. The property owner must provide required documents and adhere to additional requirements listed in the City of Duluth's UDC Application Manual related to the keeping of a guest record, designating and disclosing a local contact, property use rules, taxation, and interim use permit violations procedures.

7. The property owner must provide a site plan, drawn to scale, showing parking and driveways, all structures and outdoor recreational areas that guests will be allowed to use, including, but not limited to, deck/patio, barbeque grill, recreational fire, pool, hot tub, or sauna, and provide detail concerning the provision of any dense urban screen that may be required to buffer these areas from adjoining properties. Please note that this must be on 8 x 11 size paper.

8. The interim use permit shall expire upon change in ownership of the property or in six years, whichever occurs first. An owner of a vacation dwelling unit permitted prior to May 15, 2016, may request, and the land use supervisor may grant, an application for adjustment of an existing permit to conform to this section, as amended, for the remainder of the permit term.

9. Permit holder must keep a guest record including the name, address, phone number, and vehicle (and trailer) license plate information for all guests and must provide a report to the City upon 48 hours' notice. **Please explain how and where you will keep your guest record (log book, excel spreadsheet, etc):**

Log Book for Guests to Sign

10. Permit holder 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 any complaints from neighbors or the City. The permit holder must notify the Land Use Supervisor within 10 days of a change in the managing agent or local contact's contact information. **Please provide the name and contact information for your local contact:**

Jason Taly [REDACTED]

11. Permit holder must disclose in writing to their guests the following rules and regulations:

- a. The managing agent or local contact's name, address, and phone number;
- b. The maximum number of guests allowed at the property;
- c. The maximum number of vehicles, recreational vehicles, and trailers allowed at the property and where they are to be parked;
- d. Property rules related to use of exterior features of the property, such as decks, patios, grills, recreational fires, pools, hot tubs, saunas and other outdoor recreational facilities;
- e. Applicable sections of City ordinances governing noise, parks, parking and pets;

Please state where and how this information will be provided to your guests:

Info Packet Left on The Counter

12. Permit holder must post their permit number on all print, poster or web advertisements. **Do you agree to include the permit number on all advertisements?** yes

13. **Prior to rental**, permit holder must provide the name, address, and phone number for the managing agent or local contact to all property owners within 100' of the property boundary; submit a copy of this letter to the Planning and Community Development office. In addition, note that permit holder must notify neighboring properties within 10 days of a change in the managing agent or local contact's contact information.

14. **Prior to rental**, the building must be inspected and an Operational Permit issued by the Fire Prevention office. Permit holder must apply for and be granted State and local sales tax numbers, including Hotel and Motel Use Sales Tax, as discussed in item number 5 above; submit a copy of these approvals to the Planning and Community Development office.