



**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 23-057		Contact	Kyle Deming	
Type	Interim Use Permit – Vacation Dwelling Unit		Planning Commission Date		May 9, 2023
Deadline for Action	Application Date		March 31, 2023	60 Days	May 30, 2023
	Date Extension Letter Mailed		April 19, 2023	120 Days	July 29, 2023
Location of Subject		320 E. Superior St., Unit 1 (Downtown)			
Applicant	Demoiselle 5, LLC		Contact	Thomas Stender	
Agent	Heirloom Property Management		Contact	Nicholas Adams	
Legal Description		N 100 feet of Lot 19, Block 5, except part take for State, Part of Duluth Formerly Portland Div. (010-3820-01330)			
Site Visit Date		April 28, 2023	Sign Notice Date		April 25, 2023
Neighbor Letter Date		April 19, 2023	Number of Letters Sent		48

**Proposal**

Applicant proposes to convert an existing apartment unit above a commercial space into a 1-bedroom vacation dwelling unit for 3 guests.

**Recommended Action:** Approve with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	F-8	Commercial with apartments above	Central Business Primary
<b>North</b>	F-8	Vacant	Central Business Primary
<b>South</b>	I-G	I-35	Transportation
<b>East</b>	F-8	Vacant	Central Business Primary
<b>West</b>	F-8, F-7	Commercial	Central Business 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 zone district.

UDC Section 50-20.3. Use-Specific Standards. Lists all standards specific to vacation dwelling units.

UDC Sec. 50-37.10.E . . . the commission 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. Vacation dwelling units in Form Districts are not counted in the maximum number of permits that may be issued.

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 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 project converts an existing apartment dwelling to a vacation rental in the downtown business district with a mix with the restaurants, shops, and offices.

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. This project will enhance downtown as a tourist destination by providing additional space for guests to lodge.

Central Business Primary - Encompasses a broad range of uses and intensities: Significant retail, entertainment and lodging, high-density housing, 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

**Review and Discussion Items:**

Staff finds:

- 1) The location of the proposed vacation dwelling unit is one of two 2<sup>nd</sup> floor apartments above a commercial space on Superior St. There is a related vacation dwelling unit interim use permit for Unit 2 (PL 23-058).
- 2) The unit has 1 bedroom, which allows a maximum of 3 guests.
- 3) One off-street parking space will be provided (see site plan) in the parking lot behind the building, accessed from Michigan St.
- 4) The applicant has indicated there will be no space for camper or trailer storage by VDU guests.
- 5) The site plan shows no outdoor space for guests' use. Trash carts will be screened as part of this permit.
- 6) 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. Heirloom Property Management located in Duluth has been listed as the property manager.
- 7) 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. This will be a condition of approval, with documentation to be provided before final permit issuance.
- 8) 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.
- 9) The permit will lapse if no rental activity takes place within 1 year of permit approval.
- 10) Applicant must comply with Vacation Dwelling Unit 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"). Applicant will provide the rules on the listing and in a folder left on site as well as via email at time of booking guests.
- 11) No comments were received from citizens, City staff, or any other entity were received.

**Staff Recommendation:**

Based on the above findings, Staff recommends that Planning Commission approve the permit subject to the following conditions:

- 1) The permit shall not be effective until evidence is given that contact information has been provided to all property owners within 100 feet.
- 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 review; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.





PL 23-057, PL 23-058

Two Vacation Dwelling Units  
320 E. Superior St.  
Applicant: Demoiselle 5, LLC

## Area Map

- Legend**
- Zoning Boundaries
  - Park Lands**
    - Recreation
    - Parks
  - Trails**
    - Multi-Use - Paved

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 2022





PL 23-057, PL 23-058  
Two Vacation Dwelling Units  
320 E. Superior St.  
Applicant: Demoiselle 5, LLC

### Future Land Use Map

**Legend**

**Future Land Use**

- Open Space
- Central Business Primary
- Tourism/Entertainment District
- Transportation and Utilities
- 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.







PL 23-057, PL 23-058

Two Vacation Dwelling Units  
320 E. Superior St.  
Applicant: Demoiselle 5, LLC

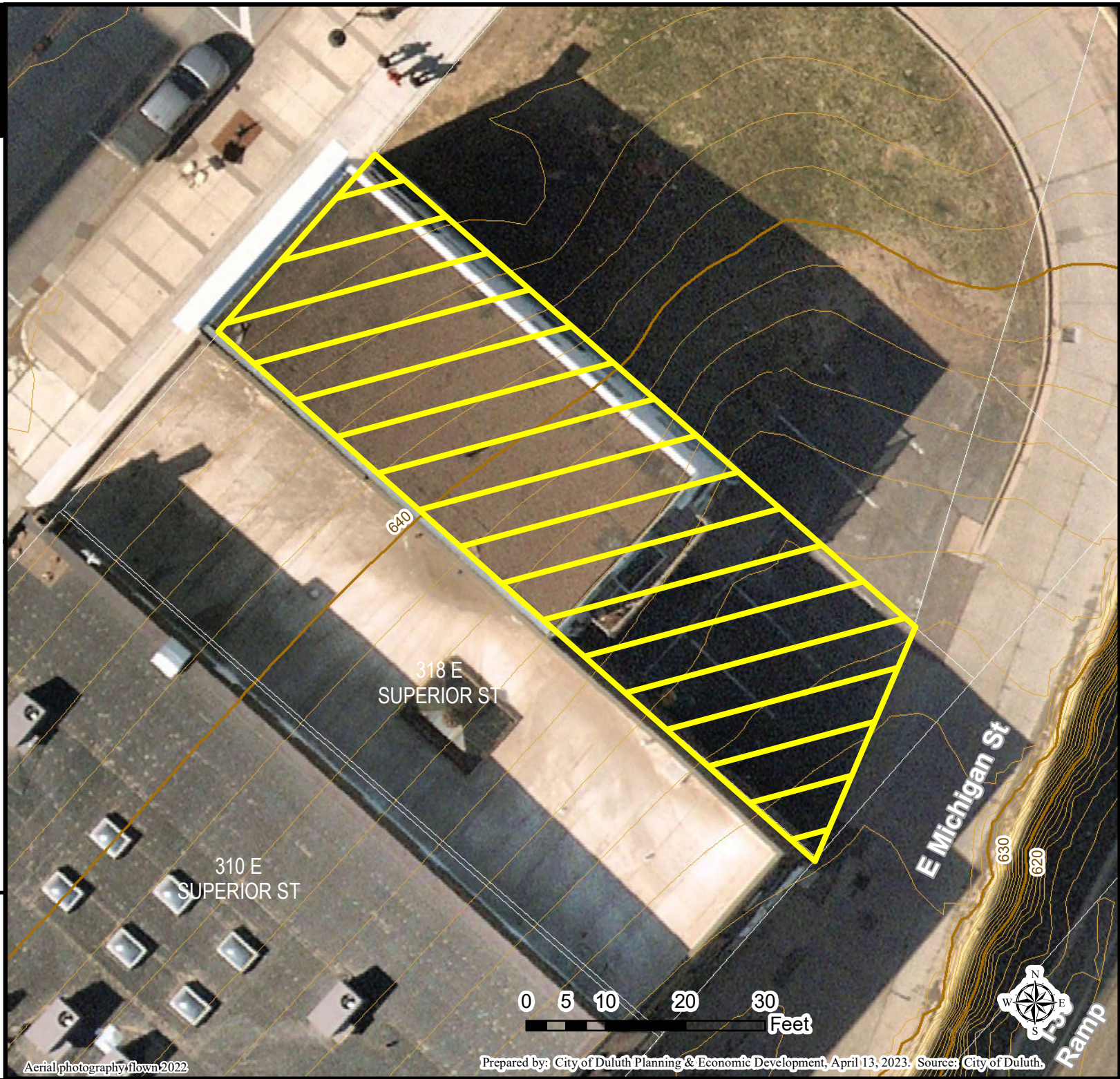
## Site Map

### Legend

#### Elevation

- 1 Ft contour
- 10 Ft contour

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.





320 E. SUPERIOR ST

1" = 16 FEET

PARCEL ID: 010-3820-01130



E. SUPERIOR ST.

