



**Planning & Development Division**  
*Planning & Economic Development Department*

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

<b>File Number</b>	PL 21-088		<b>Contact</b>	John Kelley, jkelley@duluthmn.gov	
<b>Type</b>	Interim Use Permit – Vacation Dwelling Unit – Unit B		<b>Planning Commission Date</b>	July 13, 2021	
<b>Deadline for Action</b>	<b>Application Date</b>	June 7, 2021	<b>60 Days</b>	August 6, 2021	
	<b>Date Extension Letter Mailed</b>	June 18, 2021	<b>120 Days</b>	October 5, 2021	
<b>Location of Subject</b>	5330 East Superior Street				
<b>Applicant</b>	Sarah and Seth Maxim		<b>Contact</b>		
<b>Agent</b>			<b>Contact</b>		
<b>Legal Description</b>	PID # 010-3060-00120				
<b>Site Visit Date</b>	June 23, 2021		<b>Sign Notice Date</b>	June 29, 2021	
<b>Neighbor Letter Date</b>	June 18, 2021		<b>Number of Letters Sent</b>	49	

**Proposal**

Applicant proposes use of an approximately 900 square 2-bedroom apartment within the existing 7,150 square foot building as a vacation dwelling unit. The permit is good for a 2-bedroom apartment with 5 occupants.

Vacation dwelling units located in the F-2 Form District are exempt from minimum night stays and parking, and there is no cap on number of permits issued.

**Recommended Action:** Staff recommends that Planning Commission recommend approval.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	F-2	Vacant commercial building	Neighborhood Mixed Use
<b>North</b>	F-2	Dental office	Neighborhood Mixed Use
<b>South</b>	F-2	Single Family Dwelling	Neighborhood Mixed Use
<b>East</b>	F-2	Gas station	Neighborhood Mixed Use
<b>West</b>	F-2	Gas station	Neighborhood Mixed Use

**Summary of Code Requirements:**

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the F-2 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. No more than



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60 permits may be issued for either vacation dwelling units or accessory vacation dwelling units. Permits issued for vacation dwelling units or accessory vacation dwelling units in any form district shall not be counted against the maximum number of permits that may be issued, 4. 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.

- 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.

Applicant is proposing to provide another type of lodging product for visitors to the City of Duluth and surrounding area.

Future Land Use – Neighborhood Mixed Use: A transitional use between more intensive commercial uses and purely residential neighborhoods. Includes conversions of houses to office or live-workspaces. May include limited commercial only space oriented to neighborhood or specialty retail markets.

**History:** Building is 7,150 square feet in size and constructed in 1928. Most recent uses included an apartment, fitness and tanning center. The proposed use will occupy only a portion of the building.

**Review and Discussion Items:**

- 1) Applicant's property is located at 5530 East Superior Street. The proposed vacation dwelling is a 900 square 2-bedroom apartment, Unit B, within an existing commercial building that formerly was a fitness center and tanning salon. A portion of the building will be used as a brewpub. The 2-bedroom apartment would allow for a maximum of 5 guests.
- 2) City Council approved an Interim use Permit (PL 20-139) on November 11, 2020 for a 2-bedroom vacation dwelling unit. The approved 2-bedroom unit was approximately 1,500 square feet. The applicant is reconfiguring the approved vacation dwelling unit to accommodate a studio and 2-bedroom apartment. Staff is recommending that the previous resolution 20-0802R be rescinded and a new resolution for a 2-bedroom vacation dwelling unit at 5330 East Superior Street.
- 3) Vacation dwelling units located in Form districts are exempt from number of interim use permits issued, minimum night stays and parking requirements.
- 4) There will not be any campers or trailers parked on the property.
- 5) The site does not have any outdoor amenities.



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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. 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 applicant has listed themselves to serve as the managing agent, and meet the criteria.

7) 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.

8) Applicant has applied for all relevant permits and licenses and these are contingent upon approval of the Interim Use Permit for a Vacation Dwelling Unit.

9) 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").

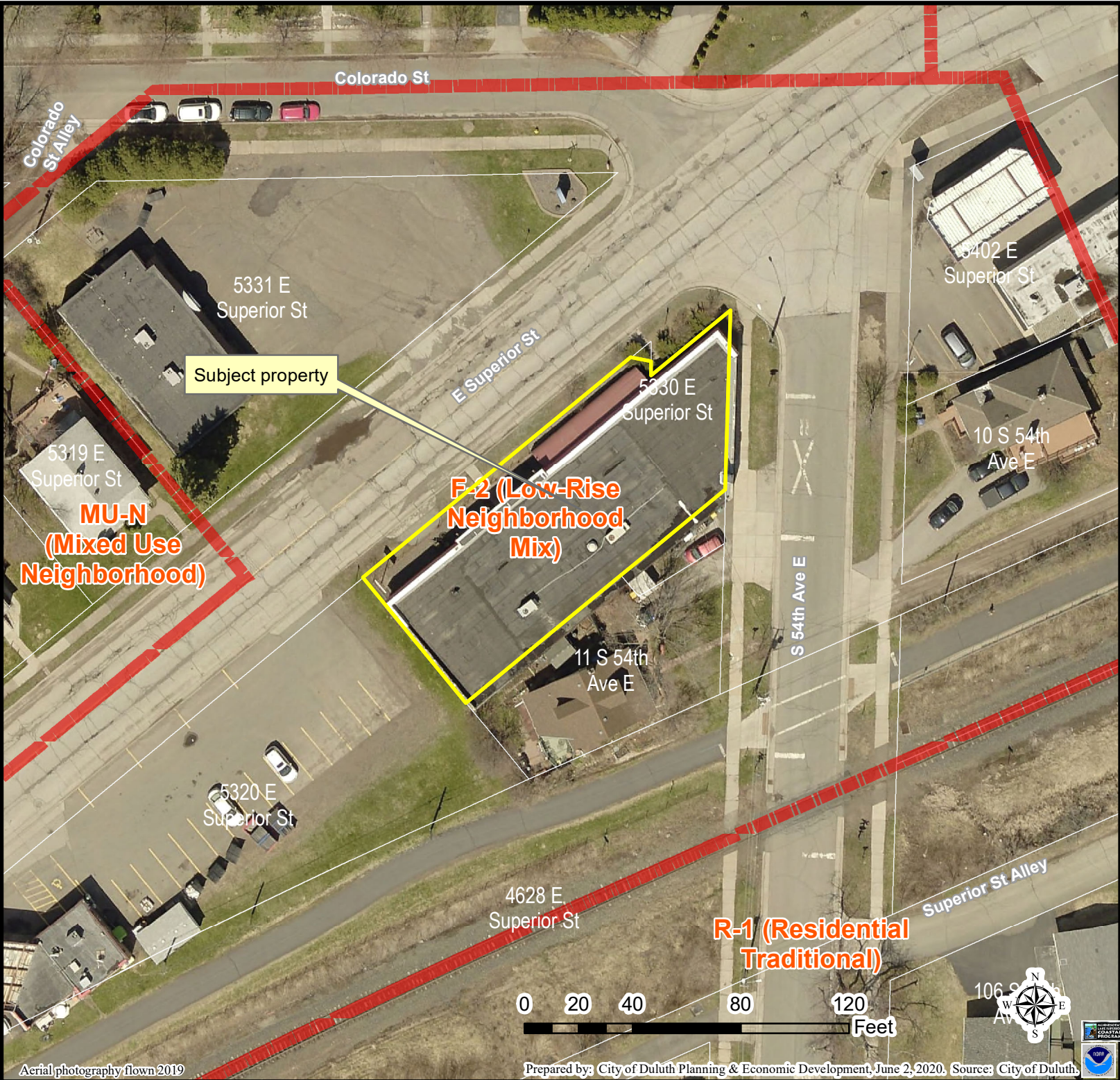
10) No comments from citizens, City staff, or any other entity were received regarding the application.

**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.





**Legend**  
Zoning Boundaries

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.

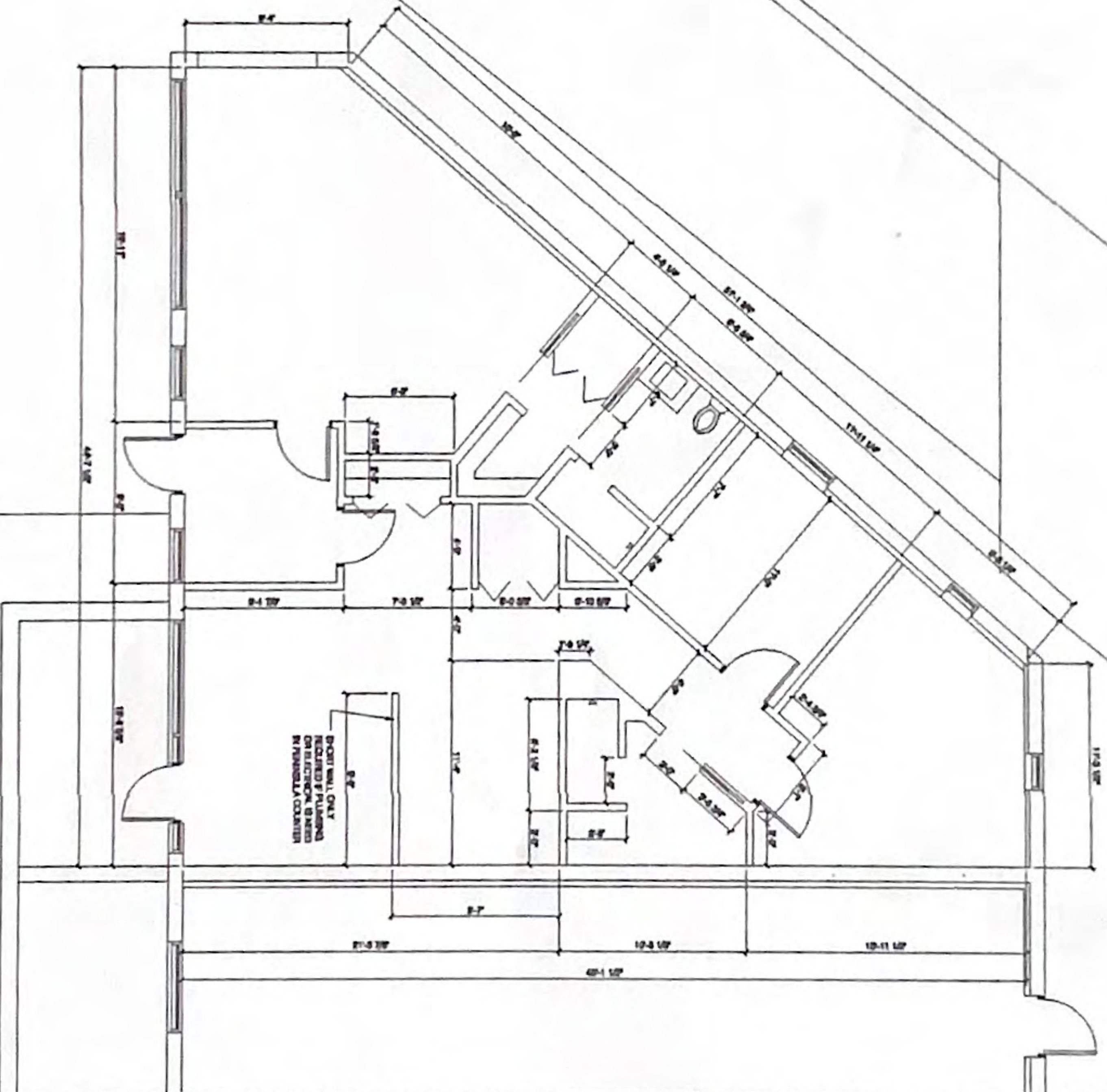


Brackel 2 bedroom unit

54th Ave E



A FLOORPLAN  
SCALE 1/8" = 1'-0"



DRAWINGS FOR PRELIMINARY USE ONLY.  
NOT FOR FINAL CONSTRUCTION.



10 South Eighth Street  
Minneapolis MN 55412  
1012 30th Street  
Minneapolis MN

5330 E Superior Street  
LAKE SUPERIOR BREWING  
8405.00

April 30, 2021