



**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 19-096	<b>Contact</b>	John Kelley, jkelley@duluthmn.gov	
<b>Type</b>	Interim Use Permit – Vacation Dwelling Unit	<b>Planning Commission Date</b>		August 13, 2019
<b>Deadline for Action</b>	<b>Application Date</b>	July 9, 2019	<b>60 Days</b>	September 7, 2019
	<b>Date Extension Letter Mailed</b>	June 10, 2019	<b>120 Days</b>	November 6, 2019
<b>Location of Subject</b>		5801 Grand Avenue		
<b>Applicant</b>	Tanya & Ryan Templer	<b>Contact</b>		
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>		010-4510-02350		
<b>Site Visit Date</b>		August 2, 2019	<b>Sign Notice Date</b>	July 30, 2019
<b>Neighbor Letter Date</b>		July 29, 2019	<b>Number of Letters Sent</b>	46

**Proposal**

The applicant proposes to use the upper floor of an existing commercial building with two apartments as a vacation rental property. Each apartment contains 1 bedroom. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of 2 nights.

**Recommended Action:** Recommend to City Council approval of an Interim Use Permit – Vacation Dwelling Unit

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	F-3	Commercial	General Business Secondary
<b>North</b>	MU-C	Residential	General Business Secondary
<b>South</b>	F-4	Commercial	General Business Secondary
<b>East</b>	F-3/MU-C	Commercial	General Business Secondary
<b>West</b>	R-1	Residential	General Business Secondary

**Summary of Code Requirements:**

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the R-1 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.



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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

Central Business Secondary – An area adjacent to and supporting the central business primary area or a stand-alone area providing a similar mix of destination land uses but at a lower intensity than the primary CB area. Includes mixed regional and neighborhood retail, employment centers, public spaces, medium density residential, and public parking facilities.

The site is developed consistent with the future land use as described and the applicant is not proposing alterations to the use.

**Review and Discussion Items:**

- 1) Applicant's property is located at 5801 Grand Avenue. The proposed vacation dwelling units contain 1 bedroom each, which would allow for a maximum of 3 guests. This 2,500 square foot two story building was constructed in 1886.
- 2) The property is in an F-3 mid-rise community shopping Form District. All form districts are exempt from the number permitted Interim Use Permits for Vacation Dwelling Units, on-site parking, and minimum night stay requirements.
- 3) 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. Applicant has listed Jen McPherson to serve as the managing agent.
- 4) There will not be any campers or trailers parked on the property.



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- 5) The applicant has indicated that there are no additional outdoor amenities.
- 6) A dumpster is located in the northwest portion of the property adjacent to a single-family dwelling. The dumpster must be screened properly meeting the requirements of Section 50-26.3 screening and location of commercial containers of the Unified Development Chapter. The dumpster enclosure will create a buffer between the adjacent residential property.
- 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 is in the process of obtaining the City of Duluth Tourism Tax license, the Minnesota Department of Health Lodging License, have a Tax ID number, a fire operational permit, and a Hotel/Motel License.
- 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 must provide a written disclosure to all guests stating that quiet hours shall be observed between the hours of 10 p.m. and 8 a.m.
- 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.



PL 19-096  
Area Map

320 N 59th  
Ave W

**R-1**  
**(Residential  
Traditional)**

318 N 59th  
Ave W

312 N 59th  
Ave W

317 N 58th  
Ave W

**MU-C (Mixed Use  
Commercial)**

**N 59th Ave W Alley**

Subject Site

5801  
Grand Ave

5805  
Grand Ave

**F-3 (Mid-Rise  
Community  
Shopping)**

5807  
Grand Ave

**N 58th Ave W**

**Grand Ave**

**MU-C (Mixed Use  
Commercial)**

5813  
Grand Ave

**F-4 (Mid-Rise  
Community Mix)**

0 15 30

60 90

5801  
Grand Ave



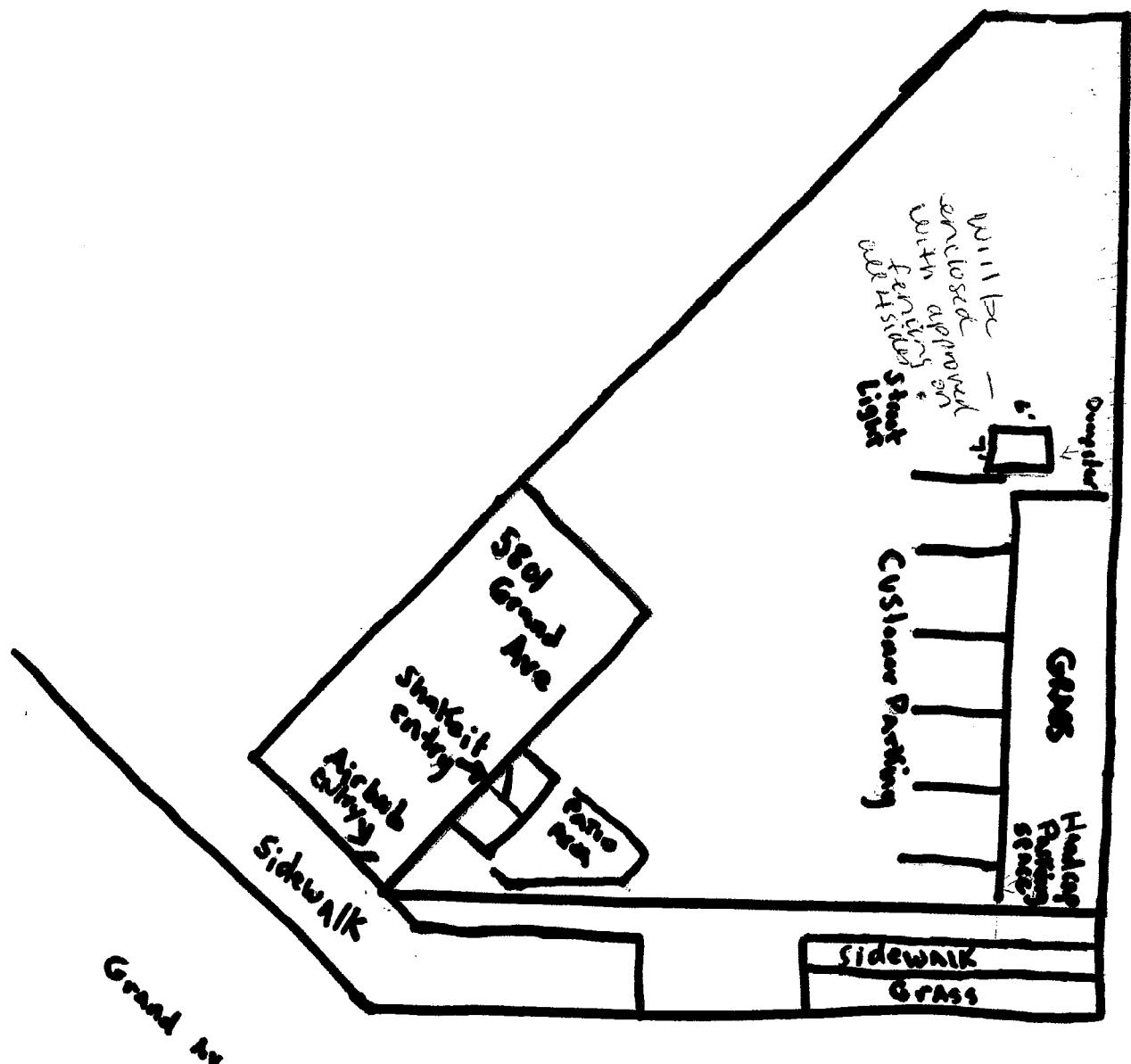
Prepared by: City of Duluth Community Planning Division, October 30, 2018, Source: City of Duluth.

Aerial photography flown 2016

### Legend

Zoning Boundaries

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N 58th Ave West