



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

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-3	Commercial	General Business Secondary
North	MU-C	Residential	General Business Secondary
South	F-4	Commercial	General Business Secondary
East	F-3/MU-C	Commercial	General Business Secondary
West	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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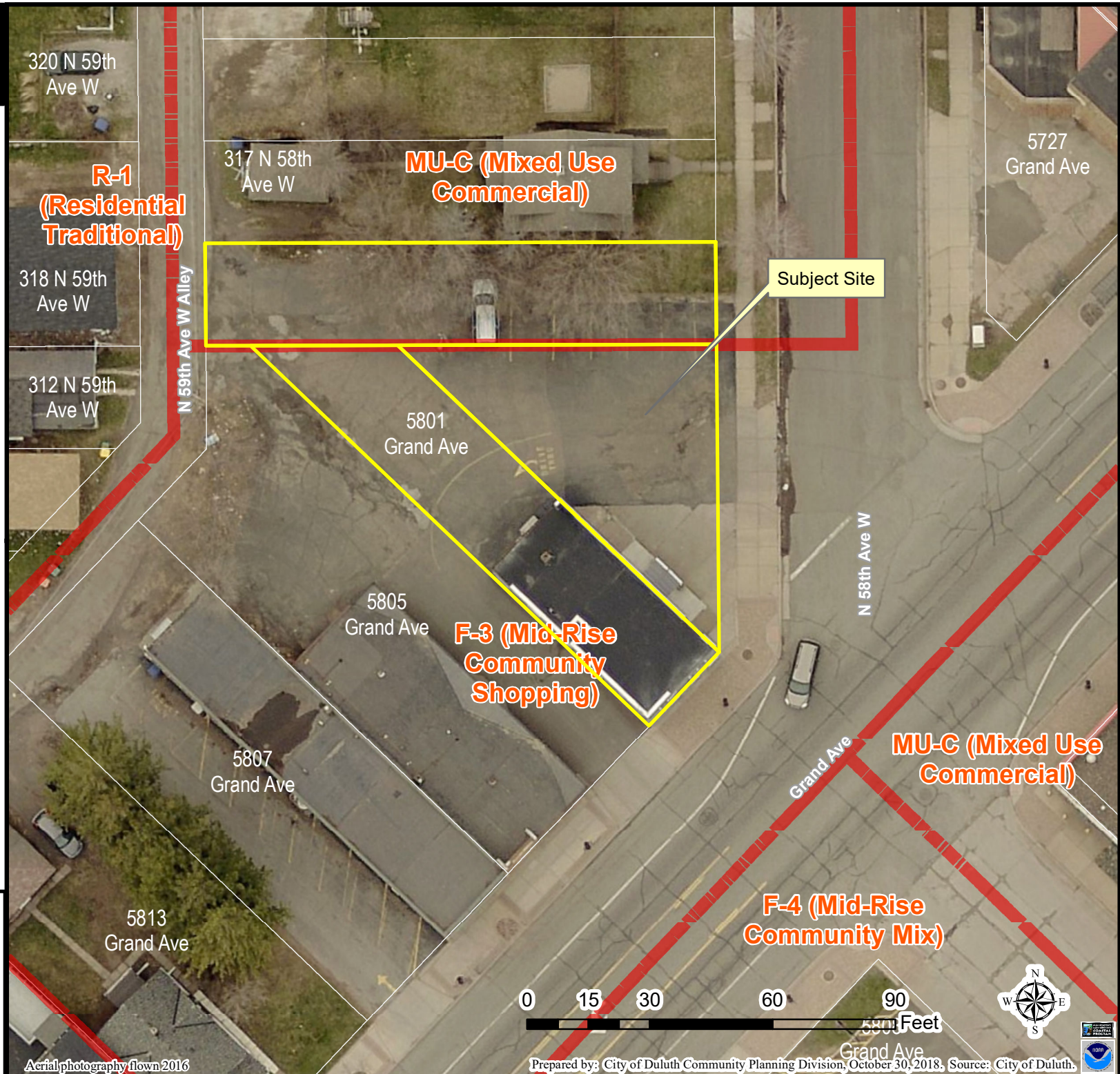
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- 5) The applicant has indicated that there are no additional outdoor amenities.
- 6) A dumpster is located in the northwest portion of the property adjacent to a single-family dwelling. The dumpster must be screened properly meeting the requirements 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.



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.

