



**CITY OF DULUTH**

Community Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

<b>File Number</b>	PL 18-107	<b>Contact</b>	Chris Lee, clee@duluthmn.gov	
<b>Type</b>	Interim Use Permit – Vacation Dwelling Unit	<b>Planning Commission Date</b>	September 11, 2018	
<b>Deadline for Action</b>	<b>Application Date</b>	August 6, 2018	<b>60 Days</b>	October 5, 2018
	<b>Date Extension Letter Mailed</b>	August 16, 2018	<b>120 Days</b>	December 12, 2018
<b>Location of Subject</b>	3 Mesaba Place			
<b>Applicant</b>	Lake View Land Co., LLC	<b>Contact</b>		
<b>Agent</b>	Heirloom Property Management	<b>Contact</b>		
<b>Legal Description</b>	See Attached, PID: 010-1270-00950			
<b>Site Visit Date</b>	August 27, 2018	<b>Sign Notice Date</b>	August 28, 2018	
<b>Neighbor Letter Date</b>	August 29, 2018	<b>Number of Letters Sent</b>	34	

**Proposal**

Applicant proposes use of a single family home with 3 legal bedrooms as a vacation rental property. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of 2 nights.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-2	Residential Urban	Traditional Neighborhood
<b>North</b>	R-2	Residential Urban	Traditional Neighborhood
<b>South</b>	R-2	Residential Urban	Traditional Neighborhood
<b>East</b>	R-2	Residential Urban	Traditional Neighborhood
<b>West</b>	R-2	Residential Urban	Traditional Neighborhood

**Summary of Code Requirements:**

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in an R-2 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 #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 – Traditional Neighborhood:

Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home-businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects and neighborhood extensions, and new traditional neighborhood areas.

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 on 3 Mesaba Place. The proposed vacation dwelling unit has 3 bedrooms, which would allow for a maximum of 7 guests.
- 2) 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 will serve as the managing agent.
- 3) Parking for the house is located in lot to the east of the house on the parcel. There will be no trailer or motorhome parking at this location.
- 4) The site plan indicates that there is a wooden deck off the back of the house. The site plan shows existing screening/buffering on the west side of the property.
- 5) 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.
- 6) Applicants have obtained the City of Duluth Tourism Tax license, the Minnesota Department of Health Lodging License, and have a Tax ID number. Applicant will need an operational permit with the City's fire prevention office and also need to apply for a Hotel/Motel License.
- 7) 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").
- 8) No comments from citizens, City staff, or any other entity were received regarding the application.

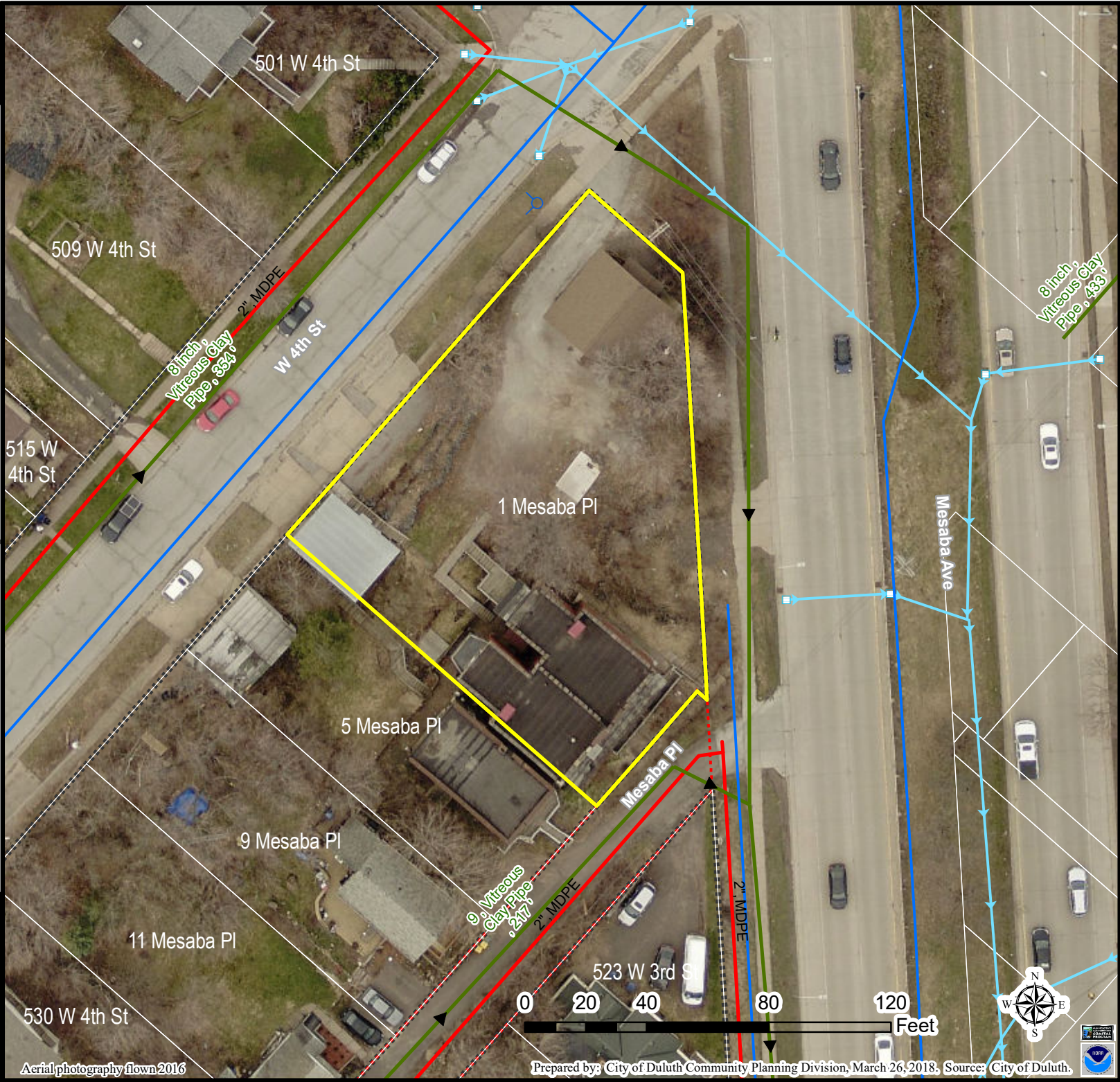
**Staff Recommendation:**

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 document and provide evidence of compliance, which will be included in the resolution.
- 3) 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.



PL18-107: IUP for Vacation Rental  
3 Mesaba Pl.



**Legend**

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
- CITY OF DULUTH
- WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains**
- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Road or Alley ROW
- Vacated ROW
- Easement Type**
- Utility Easement
- Other Easement

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.

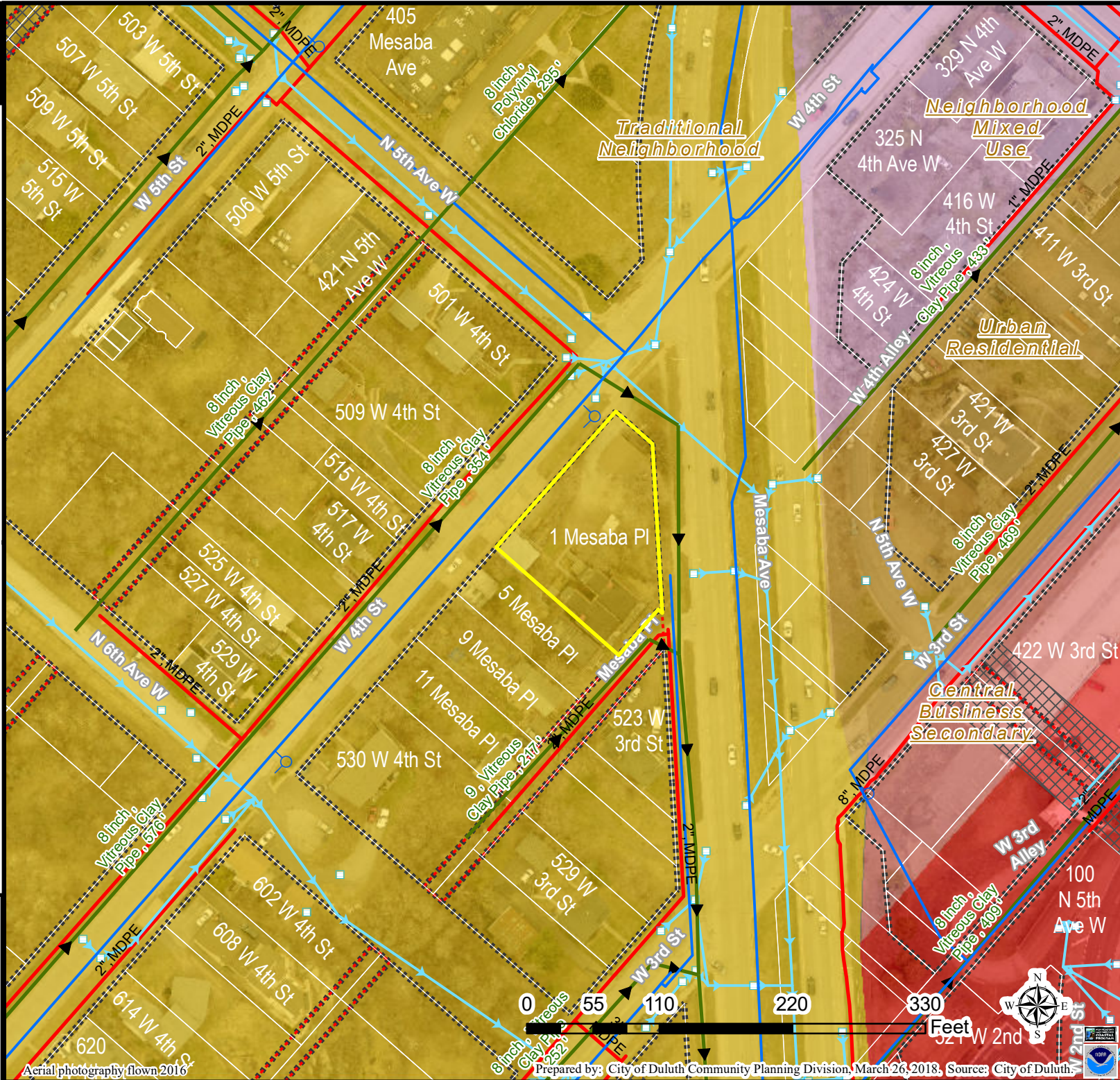
Aerial photography flown 2016

Prepared by: City of Duluth Community Planning Division, March 26, 2018. Source: City of Duluth.





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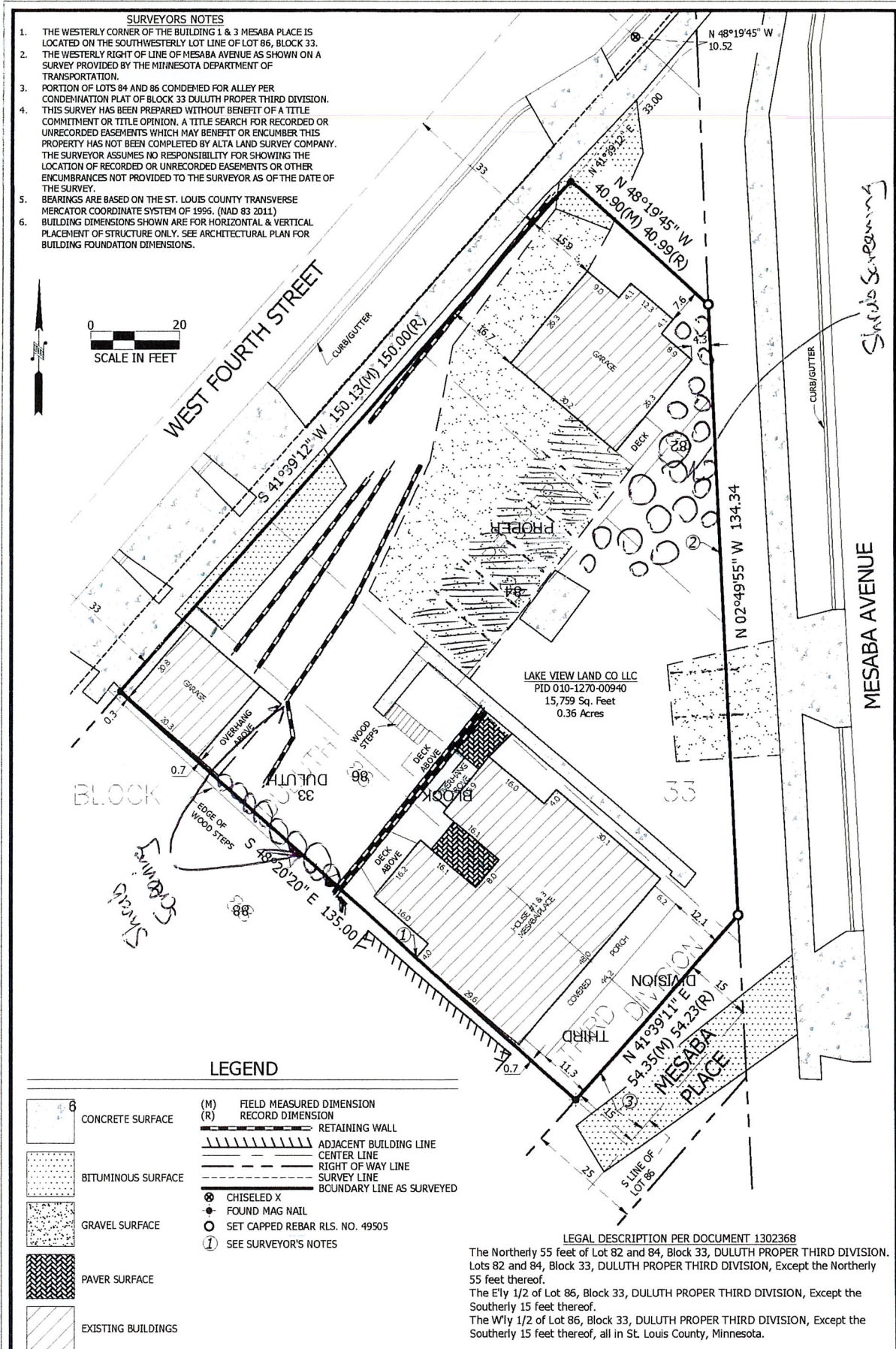
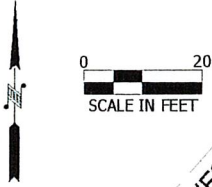
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Aerial photography flown 2016

Prepared by: City of Duluth Community Planning Division, March 26, 2018, Source: City of Duluth

**SURVEYORS NOTES**

1. THE WESTERLY CORNER OF THE BUILDING 1 & 3 MESABA PLACE IS LOCATED ON THE SOUTHWESTERLY LOT LINE OF LOT 86, BLOCK 33.
2. THE WESTERLY RIGHT OF LINE OF MESABA AVENUE AS SHOWN ON A SURVEY PROVIDED BY THE MINNESOTA DEPARTMENT OF TRANSPORTATION.
3. PORTION OF LOTS 84 AND 86 CONDEMNED FOR ALLEY PER CONDEMNATION PLAT OF BLOCK 33 DULUTH PROPER THIRD DIVISION.
4. THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
5. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
6. BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY. SEE ARCHITECTURAL PLAN FOR BUILDING FOUNDATION DIMENSIONS.



**LEGEND**

	CONCRETE SURFACE	(M)	FIELD MEASURED DIMENSION
	BITUMINOUS SURFACE	(R)	RECORD DIMENSION
	GRAVEL SURFACE		RETAINING WALL
	PAVER SURFACE		ADJACENT BUILDING LINE
	EXISTING BUILDINGS		CENTER LINE
			RIGHT OF WAY LINE
			SURVEY LINE
			BOUNDARY LINE AS SURVEYED

**LEGAL DESCRIPTION PER DOCUMENT 1302368**  
 The Northerly 55 feet of Lot 82 and 84, Block 33, DULUTH PROPER THIRD DIVISION. Lots 82 and 84, Block 33, DULUTH PROPER THIRD DIVISION, Except the Northerly 55 feet thereof.  
 The E 1/2 of Lot 86, Block 33, DULUTH PROPER THIRD DIVISION, Except the Southerly 15 feet thereof.  
 The W 1/2 of Lot 86, Block 33, DULUTH PROPER THIRD DIVISION, Except the Southerly 15 feet thereof, all in St. Louis County, Minnesota.

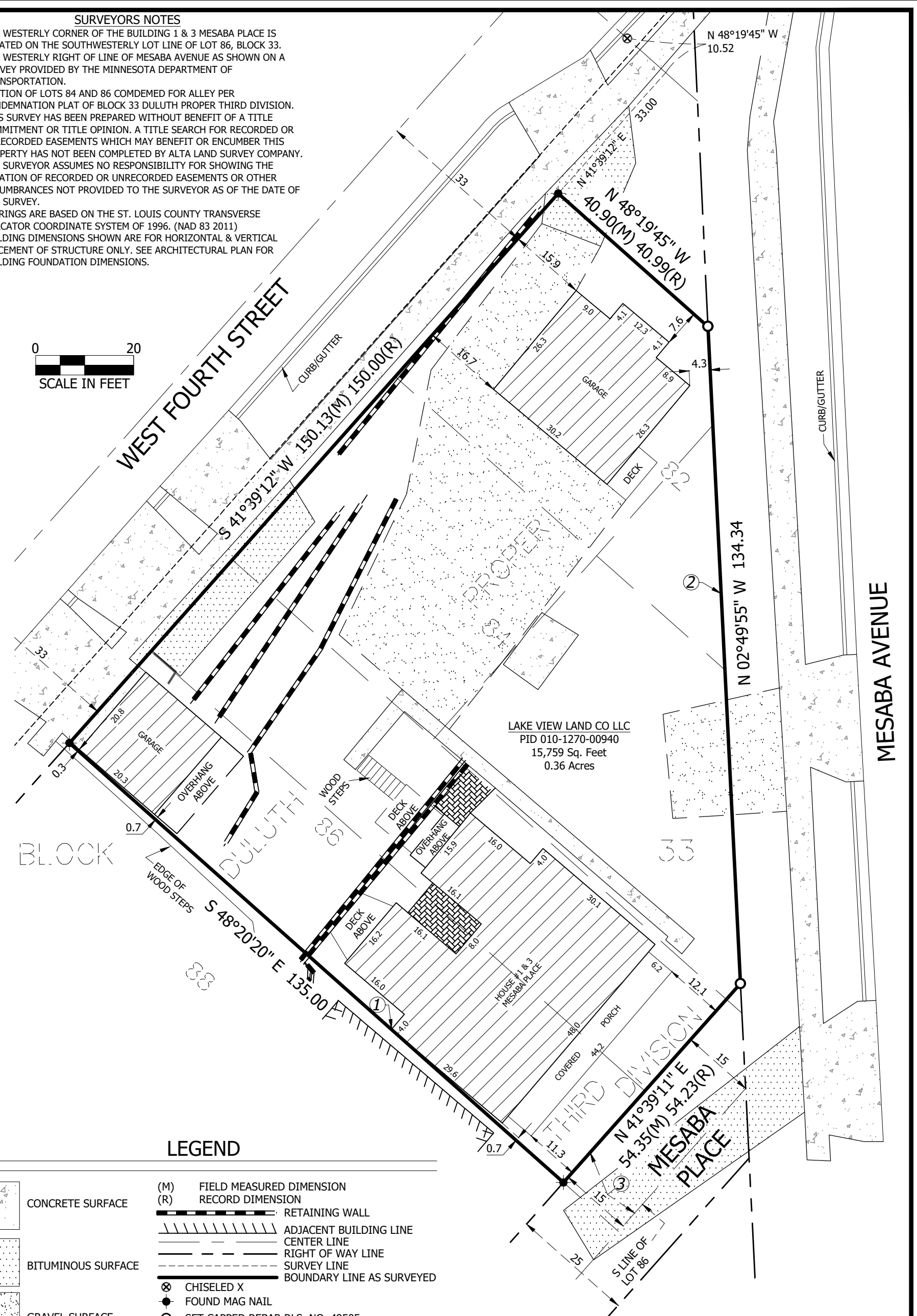
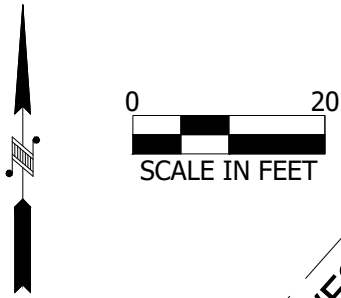
I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.  
  
 David R. Evans  
 Dated: 9-14-2018  
 M/L Lic. No. 49505

CERTIFICATE OF SURVEY	
CLIENT: MICHAEL SCHRAEFER	REVISIONS: 9-14-2018 SHOW COVERED PAGE 1
DATE: 9-20-2018	
ADDRESS: 1 & 3 MESABA PLACE DULUTH, MN	
JOB NUMBER: 18-234	

**ALTA**  
 LAND SURVEY COMPANY  
 \* LAND SURVEYING  
 \* LAND DEVELOPMENT  
 \* PLATTING  
 \* LEGAL DESCRIPTIONS  
 \* CONSTRUCTION STAKING  
 PHONE: 218-727-2511  
 LICENSED IN MN & WI  
 CERTIFIED FEDERAL SURVEYOR  
 WWW.ALTLANDSURVEYDULUTH.COM

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LAKE VIEW LAND CO LLC  
 PID 010-1270-00940  
 15,759 Sq. Feet  
 0.36 Acres

**LEGEND**

- CONCRETE SURFACE
- BITUMINOUS SURFACE
- GRAVEL SURFACE
- PAVER SURFACE
- EXISTING BUILDINGS
- (M) FIELD MEASURED DIMENSION
- (R) RECORD DIMENSION
- RETAINING WALL
- ADJACENT BUILDING LINE
- CENTER LINE
- RIGHT OF WAY LINE
- SURVEY LINE
- BOUNDARY LINE AS SURVEYED
- CHISELED X
- FOUND MAG NAIL
- SET CAPPED REBAR RLS. NO. 49505
- SEE SURVEYOR'S NOTES

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CLIENT: MICHAEL SCHRAEPPER	REVISIONS: 9-14-2018 SHOW COVERED PORCH
DATE: 8-20-2018	
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