



CITY OF DULUTH

Community Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
Phone: 218/730.5580 Fax: 218/723-3559

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

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-2	Residential Urban	Traditional Neighborhood
North	R-2	Residential Urban	Traditional Neighborhood
South	R-2	Residential Urban	Traditional Neighborhood
East	R-2	Residential Urban	Traditional Neighborhood
West	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 with 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.

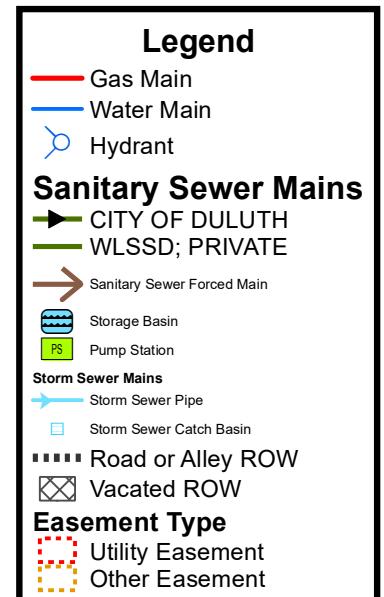
Staff Recommendation:

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.

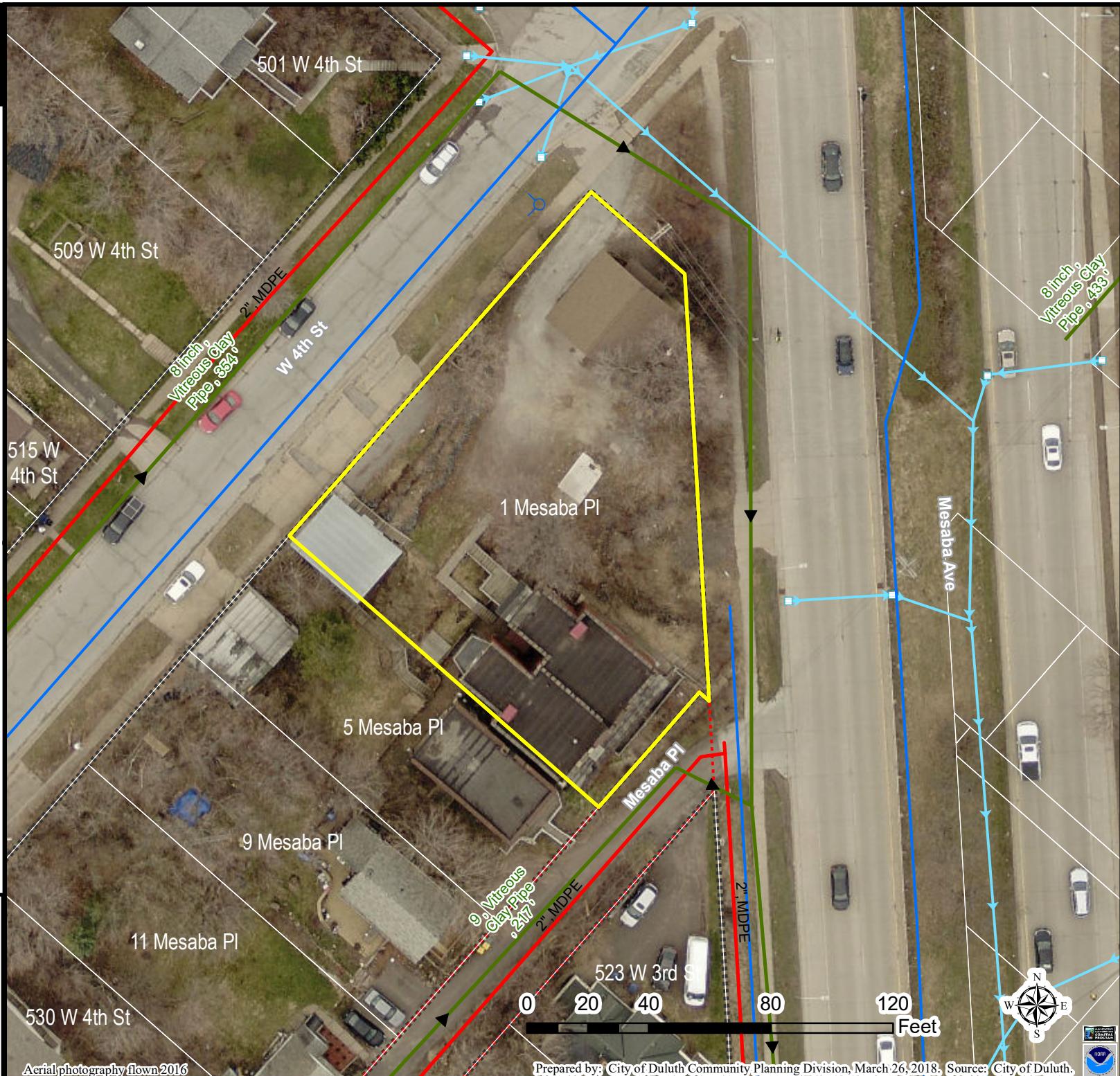


PL18-107: IUP for Vacation Rental
3 Mesaba Pl.



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.

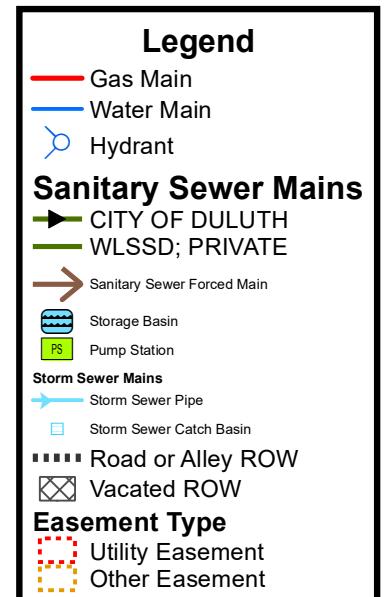
Aerial photography flown 2016



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

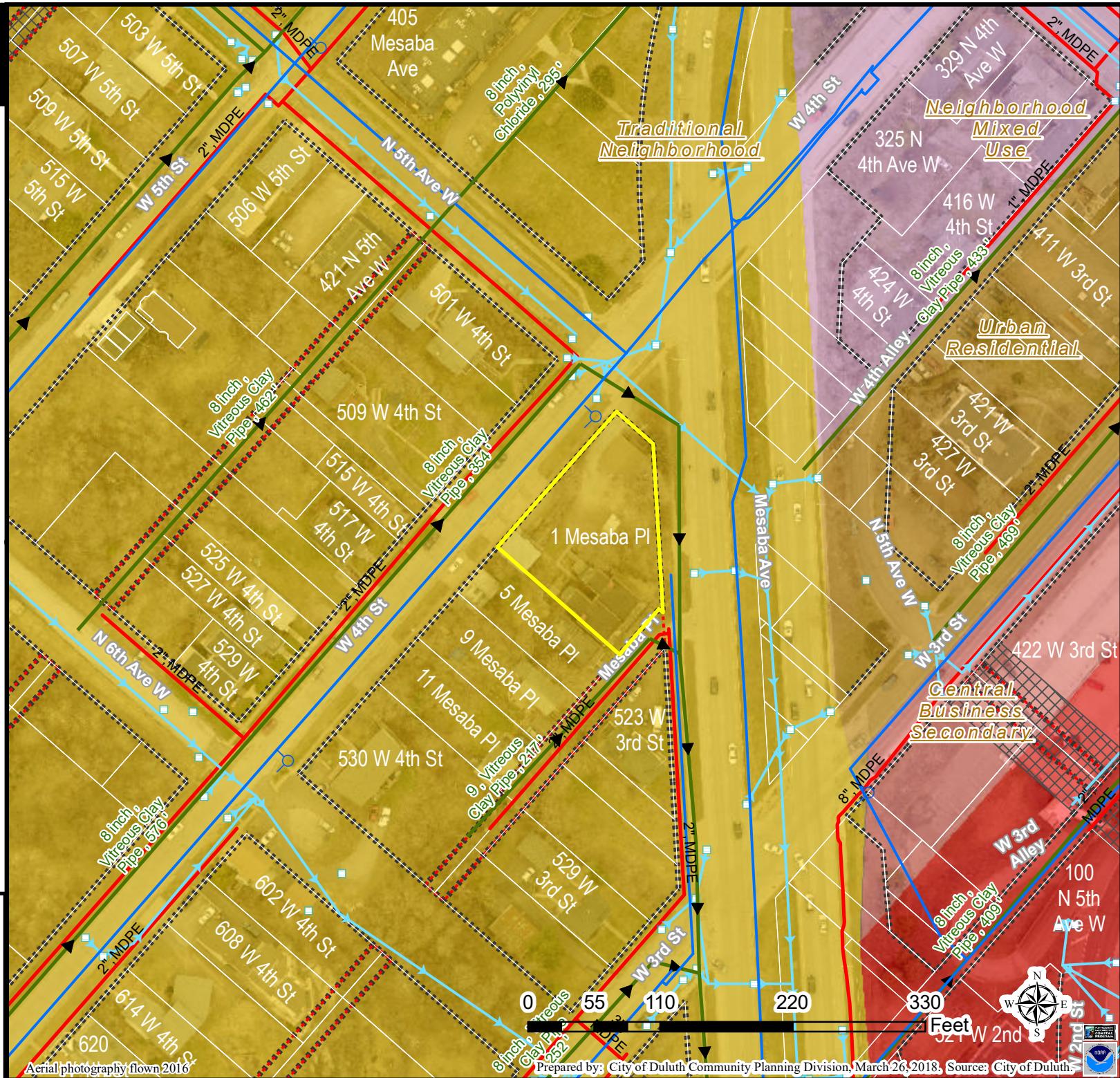


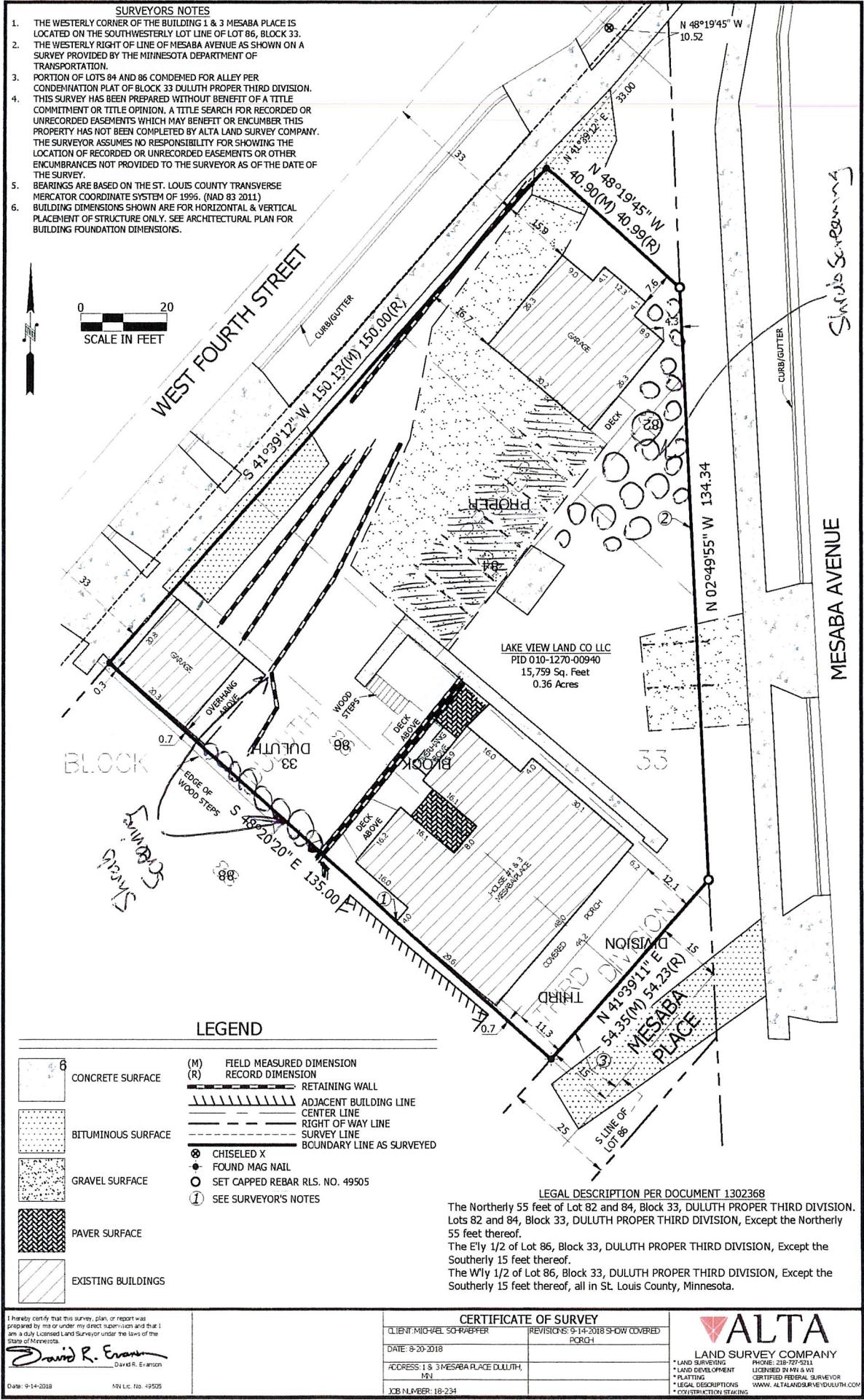
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Aerial photography flown 2016





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 CONDEMED 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.

0 20
SCALE IN FEET

WEST FOURTH STREET

BLOCK

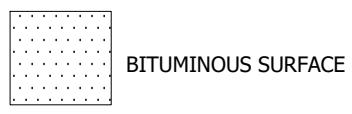
MESABA AVENUE

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

LEGEND



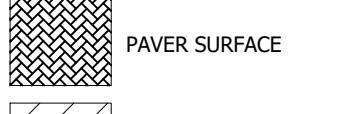
(M) FIELD MEASURED DIMENSION
(R) RECORD DIMENSION



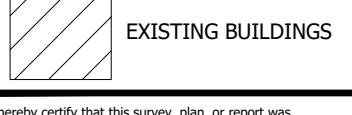
RETAINING WALL



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

① SEE SURVEYOR'S NOTES

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'ly 1/2 of Lot 86, Block 33, DULUTH PROPER THIRD DIVISION, Except the Southerly 15 feet thereof.

The W'ly 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. Evanson

Date: 9-14-2018

MN Lic. No. 49505

CERTIFICATE OF SURVEY

CLIENT: MICHAEL SCHRAEPFER	REVISIONS: 9-14-2018 SHOW COVERED PORCH
DATE: 8-20-2018	
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: 218-727-5211
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