



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 18-029 | Contact | John Kelley | |
| Type | Interim Use Permit – Vacation Dwelling Unit | Planning Commission Date | | May 8, 2018 |
| Deadline for Action | Application Date | March 8, 2018 | 60 Days | May 7, 2018 |
| | Date Extension Letter Mailed | | 120 Days | July 6, 2018 |
| Location of Subject | 1615 E. Superior St. (East Hillside) | | | |
| Applicant | ACW Duluth, LLC | Contact | | |
| Agent | Gina Bortnem | Contact | | |
| Legal Description | Parcel I.D. #010-1480-01460 | | | |
| Site Visit Date | April 27, 2018 | Sign Notice Date | March 27, 2017 | |
| Neighbor Letter Date | April 20, 2018 | Number of Letters Sent | 41 | |

Proposal

Interim Use Permit for one (1) Vacation Dwelling Unit consisting of five (5) bedrooms in an existing two-family dwelling. The first and second floors of the building will be the vacation dwelling unit (previously a Bed and Breakfast) and the 3rd floor is a separate unit where the owner lives.

| | Current Zoning | Existing Land Use | Future Land Use Map Designation |
|----------------|-----------------------|--------------------------|--|
| Subject | R-2 | 2-family dwelling | Urban Residential |
| North | R-2 | Multi-family dwellings | Urban Residential |
| South | R-2 | Multi-family dwellings | Urban Residential |
| East | R-2 | 4-family dwelling | Urban Residential |
| West | R-2 | 1-family dwelling | Urban Residential |

Summary of Code Requirements:

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

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

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.

Property received an Interim Use Permit for a Vacation Dwelling Unit in 2013 (PL 13-018). The IUP was to expire in March of 2019, however, this renewal is due to a change in ownership of the property.

Property received a variance for smaller lot size for Bed and Breakfast in 2015 (PL15-106).

Review and Discussion Items:

Staff finds the following:

- 1) The applicant has submitted the required materials and agency approvals;
- 2) The site is 75' wide by 150' deep. It has 6 off-street parking spaces (5 required), and 1 space for the owner's dwelling units. The parking spaces are accessed via a shared driveway that is covered by a driveway easement and maintenance agreement;
- 3) The applicant is the managing agent and they plan to live on the 3rd floor of the property;
- 4) The applicant will send the required letter to neighbors within 100' providing the contact information for the property manager if Council approves the interim use permit.
- 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) 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.
- 7) Burning of garbage outdoors is prohibited.

Staff Recommendation:

Based on the above findings, Staff recommends that Planning Commission recommend approval subject to the following:

- 1) 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 to the City Council (guest record book including name, address, phone number and vehicle license plate; name, address, and phone number of local contact/managing agent to property owners within a 100 feet; rules of how the property can be used must be provided to guests including selected city ordinances on parking, parks, pets and noise; and acknowledge that interim use permit may be suspended in the event of multiple nuisance calls).
- 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. in addition to other disclosures required by the Unified Development Chapter.
- 3) The applicant will inform guests that the burning of trash in outdoor fire pits is prohibited.



ACW Duluth, LLC

A Charles Weiss Home
1615 East Superior Street
PO Box 3584
Duluth, Minnesota 55803
acw.duluth@gmail.com
701-367-3677

February 26, 2018

Department of Planning & Construction Services
Attn: John Kelley, Chris Lee, and Emilie Voight
411 West First Street
Duluth, MN 55802

Re: ACW Duluth, LLC Interim Use Permit

Dear John, Chris and Emilie,

A Pre-application Meeting was conducted on February 5, 2018 at the Department of Planning & Construction Services conference room, where the Pre-App Verification was received.

ACW Duluth, LLC is submitting the following additional information for consideration in granting an Interim Use Permit in the City of Duluth, MN for property located at 1615 East Superior Street, Duluth, MN 55812.

Statement on how use will not have a negative impact on the community:
Duluth, Minnesota is a popular destination city in the state of Minnesota. ACW Duluth, LLC is committed to promoting the City of Duluth to a variety of people that come for special events, family vacations, and business; while providing guests with overnight accommodations that highlight the history and charm of early 20th century Duluth, MN. Similar to the style and craftsmanship found in the Chester Congdon Home, ACW Duluth is a beautifully, well-maintained home, built by prominent Duluthian, Anton Charles Weiss, in 1895.

ACW Duluth, LLC does not and will not negatively impact the community; rather, ACW Duluth, LLC will bring people to the community that will positively impact the tourism economy, will generate additional revenue to the City of Duluth through taxes collected and provide hospitality that is sure to encourage people to return to this amazing city.

Summary of Property:

The property located at 1615 East Superior Street, Duluth, MN is zoned R-2. Our home is a three story, two family dwelling, with separate entrances and exits delegated to guests and residents of the home. Guests of the home will access the back parking lot through the shared driveway and park in any of the 6 parking spots available to them. They can then proceed to the front entrance on a cement paver path leading from the parking lot to the front porch. Guests will be allowed to use the first and second floors of the home and will not have access to the basement, back hall or 3rd floor apartment where our family dwells. The guests will have use of 6 bedrooms, 5.5 bathrooms, kitchen, a formal dining room, parlor, library, music room, billiard room, pantry, front porch, and front yard.

Vacation Dwelling Unit Narrative for meeting Interim Use Permit Standards:

1. ACW Duluth, LLC will require guests to stay a minimum of 2 consecutive nights and will enforce this through reservation settings on AirBnB, VRBO, and company websites.
2. The home has 6 bedrooms. One person plus the number of bedrooms, multiplied by two, would indicate that 13 persons may occupy the vacation dwelling.
3. There are 6 off-street parking spaces behind the home and satisfies the minimum of 5 space requirement as outlined.
4. ACW Duluth, LLC will not allow more than one motor home (or pickup mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) to be parked at the site, on or off the street.
5. ACW Duluth, LLC has obtained all licenses and permits from the City of Duluth and State of Minnesota required for guest occupancy on the property for 2 to 29 days.
6. ACW Duluth, LLC will keep and provide required documents and adhere to additional requirements listed in the City of Duluth's UDC Application Manual related to the keeping of a guest record, designating and disclosing a local contact, property use rules, taxation, and interim use permit violations procedures.
7. Site plan, drawn to scale. Please see attached.
8. ACW Duluth, LLC understands that the interim use permit shall expire upon change of ownership of the property or in six years, whichever occurs first.
9. ACW Duluth, LLC will keep records, including the name, address, phone number, and vehicle (and trailer) license plate information for all guests and will provide a report to the City upon 48 hours' notice.

10. We are managing the property and living in the 3rd floor of the home. We are available 24-hours-a-day to address any complaints or emergent needs from guests, neighbors or the City of Duluth. ACW Duluth, LLC will notify the Land Use Supervisor within 10 days of a change in the managing agent or local contact's contact information. Our contact information is:

Gina Bortnem (701)367-3677
1615 East Superior Street, Box 3584
Duluth, MN 55803
acw.duluth@gmail.com

11. ACW Duluth, LLC will notify all property owners within 100' of the property boundary with our contact information once the Interim Use Permit is approved.
12. ACW Duluth, LLC will disclose, in writing, to their guests, the following rules and regulations:
 - Managing agent name, address, phone number
 - Maximum number of guests allowed at the property
 - Maximum number of vehicles, recreational vehicles, and trailers allowed at the property and where they are to be parked.
 - Property rules related to the use of exterior features of the property, such as decks, patios, grills, recreational fires, pools, hot tubs, saunas and other outdoor recreational facilities.
 - Applicable sections of the City of Duluth ordinances governing noise, parks, parking and pets.
13. ACW Duluth, LLC will post their permit number on all print, poster or web advertisements.
14. The Life Safety Division of the Duluth Fire Department has provided ACW Duluth, LLC with Operational Permit #FPOP2015-6813. See attached.
15. ACW Duluth, LLC has applied for and been granted state and local sales tax numbers, a Hotel/Motel License, Lodging License and Tourism Tax Permit. See attached.

Please feel free to contact me with any questions or comments regarding the above narrative.

Kind Regards,

Gina M. Bortnem

Gina M. Bortnem
ACW Duluth, LLC
701-367-3677



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.

Aerial photography flown 2016

150 12.5' 25 50

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





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0 12.5 25 50 75 Feet







