



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 22-153	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Interim Use Permit– Vacation Dwelling Unit in Form District	Planning Commission Date		October 11, 2022
Deadline for Action	Application Date	August 30, 2022	60 Days	October 29, 2022
	Date Extension Letter Mailed	September 14, 2022	120 Days	December 28, 2022
Location of Subject		325 South Lake Avenue, Unit 1313		
Applicant	Tiegen Brickson	Contact		
Agent		Contact		
Legal Description		PID # 010-4444-00170		
Site Visit Date	September 30, 2022	Sign Notice Date		September 27, 2022
Neighbor Letter Date	September 21, 2022	Number of Letters Sent		45

Proposal

Applicant is proposing a new interim use permit for a vacation dwelling unit. The permit would allow for a 3-bedroom condominium with a maximum of 7 occupants in the F-5 form district.

Vacation dwelling units located in form districts are exempt from minimum night stays and parking, and there is no cap on number of permits issued.

Staff is recommending Planning Commission recommend approval.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-5	Mixed Use Building	Tourism/Entertainment District
North	F-5	Mixed Use Building	Tourism/Entertainment District
South	F-5	Mixed Use Building	Tourism/Entertainment District
East	F-5	Parking lot	Tourism/Entertainment District
West	F-5	Parking lot	Tourism/Entertainment District

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the F-5 zone district.

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;
2. The applicant agrees to sign a development agreement with the city.
3. Except for



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properties within the Higher Education Overlay District as identified in 50-18.5, the minimum rental period and off-street parking requirements of 50-20.3.U and 50-20.5.M shall not apply for vacation dwelling units or accessory vacation dwelling units in form districts.

Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):

Governing Principle #8 - Encourage mix of activities, uses, and densities - The issuance of a permit allows an existing structure in the downtown area to be functionally used, decrease vacancy levels, and increase tax base.

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. The proposed IUP in this location will enhance the level of activity in the downtown, and increase opportunities for additional commerce.

Future Land Use – Tourism/Entertainment: Retail, entertainment, and lodging facilities, meeting facilities, waterfront-related uses, open space uses.

Current History: The property currently is a mixed-use building. The ground floor contains a brewery and taproom. The upper floors are for the Suites Hotel, office space and dwelling units.

Review and Discussion Items:

- 1) Applicant's property is located at 325 South Lake Avenue, Unit 1313. The unit is located on the third floor of the building. The proposed vacation dwelling unit contains 3 bedrooms that 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. The applicants have listed Dean Brickson to serve as the managing agent.
- 3) The site is not required to provide parking. However, the applicant has stated that 2 off-street parking spaces will be provided.
- 4) The site does not have any outdoor amenities.
- 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) Applicant will apply for all relevant permits and licenses and these are contingent upon approval of the Interim Use Permit for a Vacation Dwelling Unit.



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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) One comment was received from a citizen and is attached, 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.
- 3) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50



PL 22-153
325 South Lake Ave
Unit 1313

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.



Floor Plan- Unit #1313

2000 sq.ft. Area
Third Floor Level

Legend

 Fire & Smoke Detector

 Alarm/Fire Strobe

 Emerg. Ltg w/ Batt. Backup

Code Summary

Code Used: 2020 MN State Bldg. Code

2015 MN State Bldg. Code

Building Use: Residential - Hotel

Bldg. Const. Type: 3B

Sprinklers: Yes, throughout bldg.

Fire Alarm: Yes, throughout bldg.

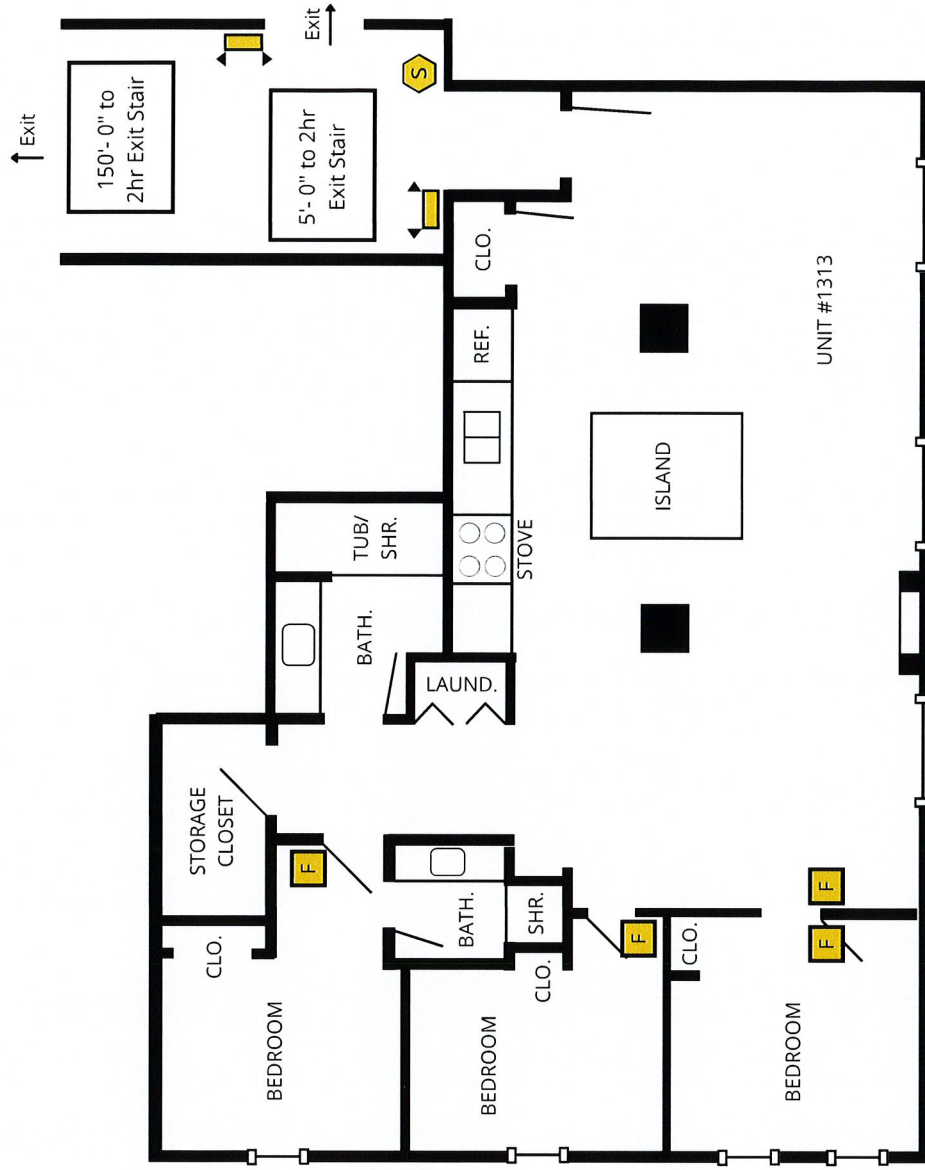
Exits: (2) Exit stair wells, 2hr rated at each end of corridor.

Distance to stair wells: North 5'-0", South, 150'-0"

3rd Floor - Unit 1313 2,000 sq.ft.

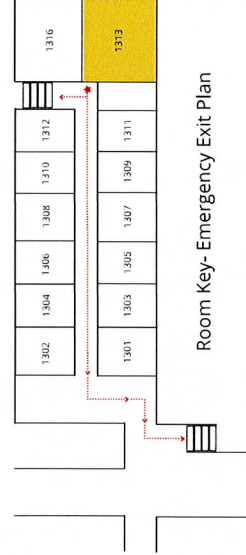
3 Bedroom, 2 Bath, Living Rm, Kitchen, Laundry Closet
and Storage Closet

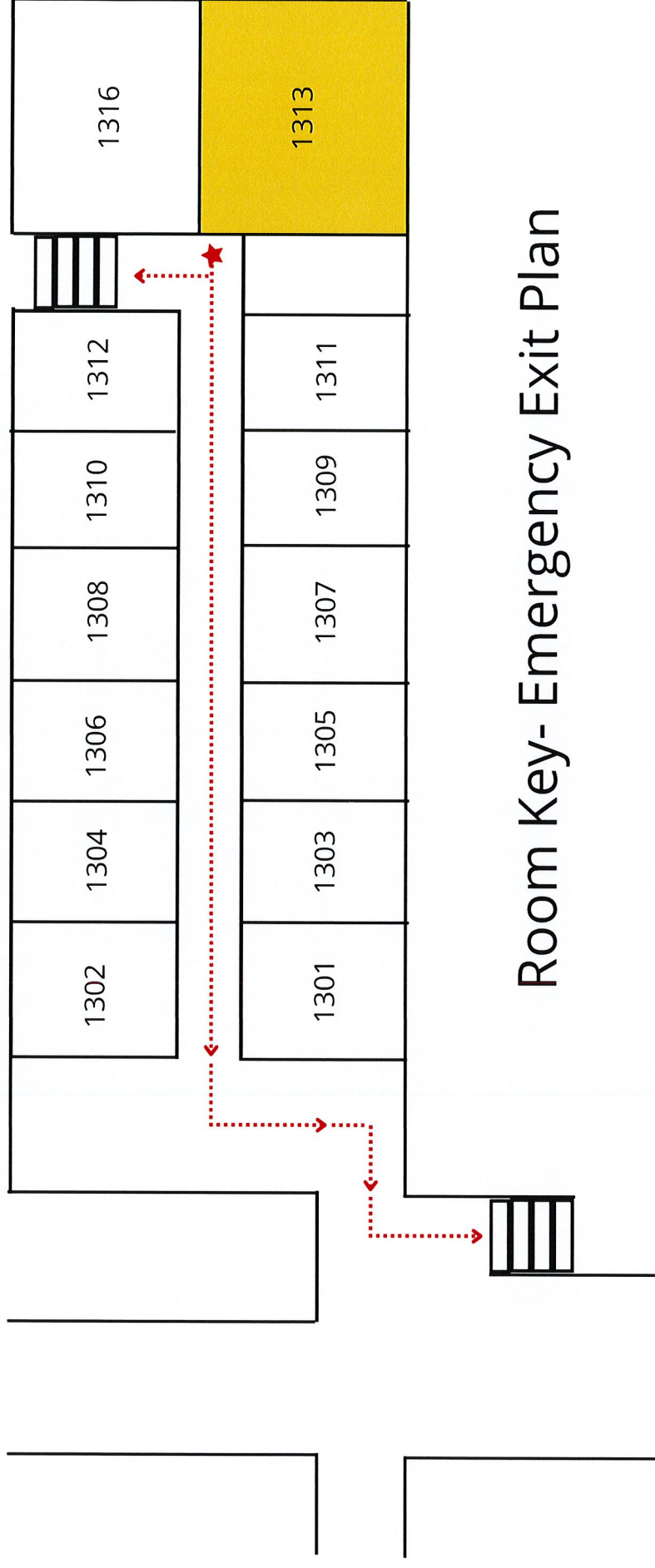
Occupant Load: 8 occupants

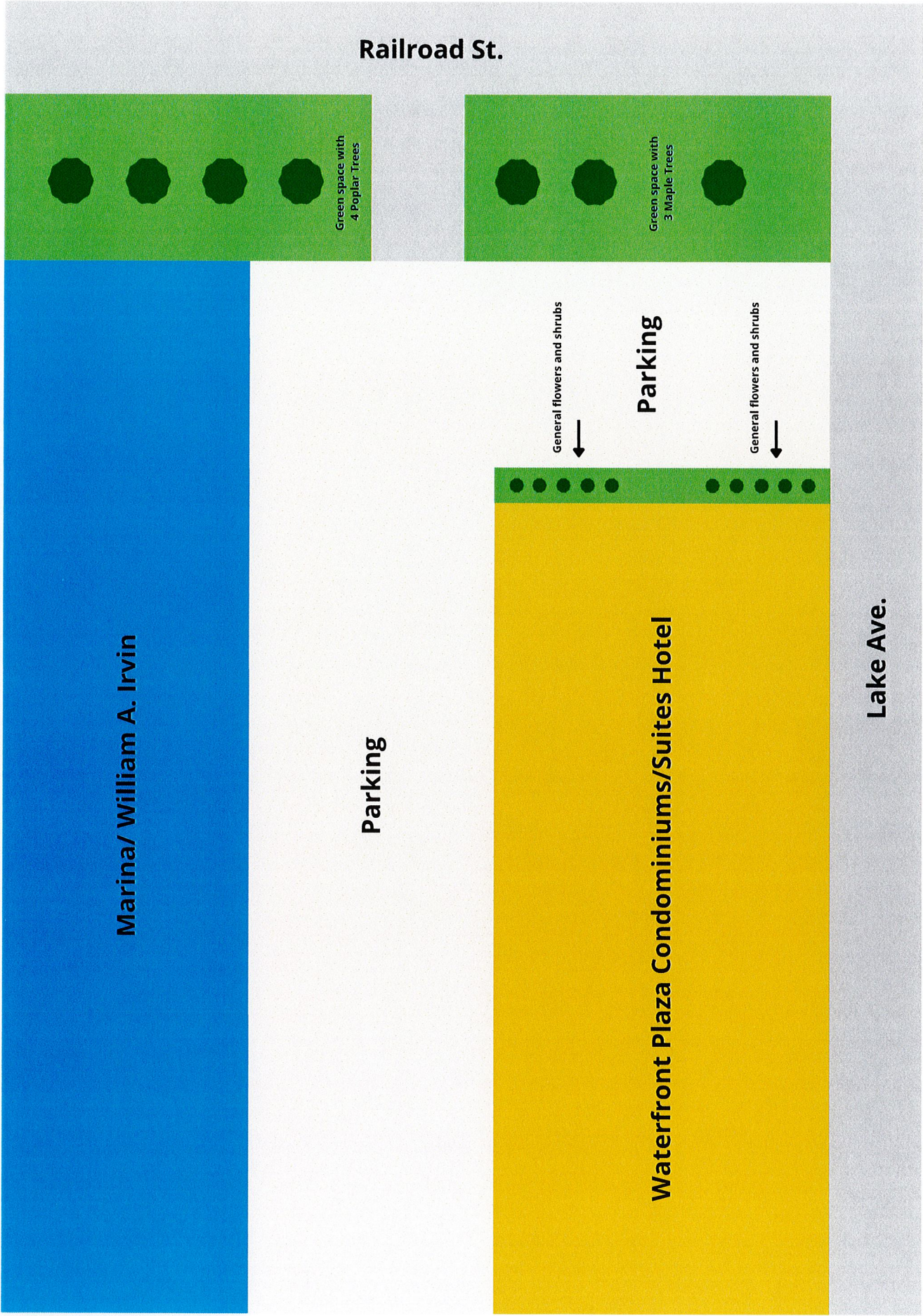


Project:
Proposed Vacation Dwelling Unit
325 S Lake Ave - Unit #1313
Duluth, MN 55802

Owner:
Tiegen & Keenan Brickson
(321) 831-5041
tiegen.brickson@gmail.com







Sent: Monday, October 3, 2022 5:52 PM

To: planning <planning@DuluthMN.gov>

Subject: Interim Use Permit (PL22-153)

I own two condos on the same floor as 1313. I feel that any condo owners in the Hotel Suites should automatically get permits, since they are in a Hotel that is already a short-term rental.

They should not have to go thru a hearing or pay for a permit since they are inside a Hotel that is already zoned a short-term rental.

So please pass this permit since everyone that owns condos on these properties is in a Hotel. An owner should not have to go thru a hearing to be able to get a permit to change their condos from the Hotel to a Vacation Dwelling.

Please consider changing your policies on this property to save time and money for all involved.

Thank you,

Cory Dietz

1201 and 1203