

### Planning & Development Division

Planning & Economic Development Department



Room 160 411 West First Street Duluth, Minnesota 55802

File Number	PLIUP-2507-0036		Contact		Chris Lee, clee@duluthmn.gov		
Туре	Interim U	Jse Permit – Vacation Dwelling	Planning Commission Date		September 9, 2025		
Deadline	Application Date		July 21, 2025 <b>60</b>		60 Days	Septe	ember 19, 2025
for Action	Date Extension Letter Mailed		August 4, 2025	, 2025 <b>120 Day</b>		Nove	mber 18, 2025
Location of Subject		20 Sutphin St #210					
Applicant	Kevin Pie	Kevin Pietrusa					
Agent			Contact				
Legal Description		PIN: 010-2490-00010					
Site Visit Date		August 26, 2025	Sign Notice Date			August 26	, 2025
Neighbor Letter Date		August 18, 2025	Number of Letters Sent		nt	56	

### **Proposal**

The applicant proposes use of 1-bedroom apartment in a Form district as a new vacation rental property.

Recommended Action: Staff recommends that Planning Commission approve the interim use permit.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-5	Mid-Rise Mixed Use	Tourism/Entertainment District
North	F-5	Office	Tourism/Entertainment District
South	F-5	Mid-Rise Mixed Use	Tourism/Entertainment District
East	F-3	Restaurant/ Gas Station	Tourism/Entertainment District
West	F-5	Mid-Rise Mixed Use	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 Section 50-20.3. Use-Specific Standards. Lists all standards specific to vacation dwelling units.

UDC Sec. 50-37.10.E . . . the commission 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.

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

Governing Principle #4- Support economic growth sectors

A short-term rental supports the tourism industry and provides a service for visitors.

Future Land Use – Tourism/Entertainment-

Retail, entertainment, and lodging facilities, meeting facilities, waterfront related uses, open space uses.

**History:** The building on the subject property, 20 Sutphin St, was built in 1886. The existing structure is two stories with retail/restaurant space at street level and office/residential units above. Two other units in the building have approved vacation dwelling units (PL 24-062 and PLIUP-2406-00020).

#### **Review and Discussion Items:**

Staff finds that:

- 1) Applicant's property is located at 20 Sutphin St #210. One apartment unit will be rented. There is 1 bedroom, which allows for a maximum of 3 guests.
- 2) The minimum rental period will be one night.
- 3) One parking space will be provided in the rear of the building.
- 4) The applicant has indicated they will not allow motorhome or trailer parking.
- 5) The site plan does not indicate any outdoor amenities.
- 6) 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 holders must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed Kevin Pietrusa to serve as the managing agent.
- 7) A time limit is needed on this Interim Use Permit ("IUP") to protect the public health, safety and welfare from potential longer-term impacts of the requested use at the location of the subject property. Section 50-20.3.V.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 8) Applicant must comply with the City's vacation dwelling unit regulations, including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").
- 9) There are currently 183 licensed vacation dwelling units in the city, with 92 of those in form districts; the remaining 91 are subject to the cap of 110. The subject property is located within a form district and is not subject to the cap.
- 10) No City, public or agency comments were received.
- 11) The permit will lapse if no activity takes place within 1 year of approval.

### Staff Recommendation:

Based on the above findings, Staff recommends that Planning Commission approve the permit subject to the following conditions:

- 1) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.
- 2) Any alterations to the approved plans that do not alter major elements of the plan and do not constitute a variance from the provisions of Chapter 50 may be approved by the Land Use Supervisor without further Planning Commission review.



PLIUP-2508-0036

Interim Use Permit for a VDU 20 Sutphin St Unit 210

Sutphin St mannana. (DR 325 S LAKE Shake Ave 325 S LAKE AVE LAKE AVE 325.8 SLAKE E AVE 325 S LAKE AVE 325 S LAKE AVE 150 100 Feet 325 STAKE AVE 325 S Prepared by: City of Duluth Planning & Economic Development, August 13, 2025, Source: City of Duluth contained within. Aerial Imagery Captured 2025

14 RAIL

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 oncerning 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 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



MAX OCCUPANCY TO BE LIMITED TO 5 PERSONS PER PLIUP2406-0002

# Lofts on Canal

20 Sutphin St Duluth, MN 55802







Drawing Index

Code Plans Renovation

07/24/2024

07/24/2024 CD





1301 American Blvd. East Suite 100 Bloomington, MN 55425 tel: (612) 879-6000 www.kaaswilson.com

Lofts on Canal

20 Sutphin St Duluth, MN 55802

Canal Park Square LLC

233 Park Ave S. Minneapolis, MN 55413

	Project Number	24197
	Date	07/24/2024
	Drawn By	BLD
	Checked By	BLD

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED UNDER MY DIRECT SUPERVISION AND THAT I AM A REGISTERED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

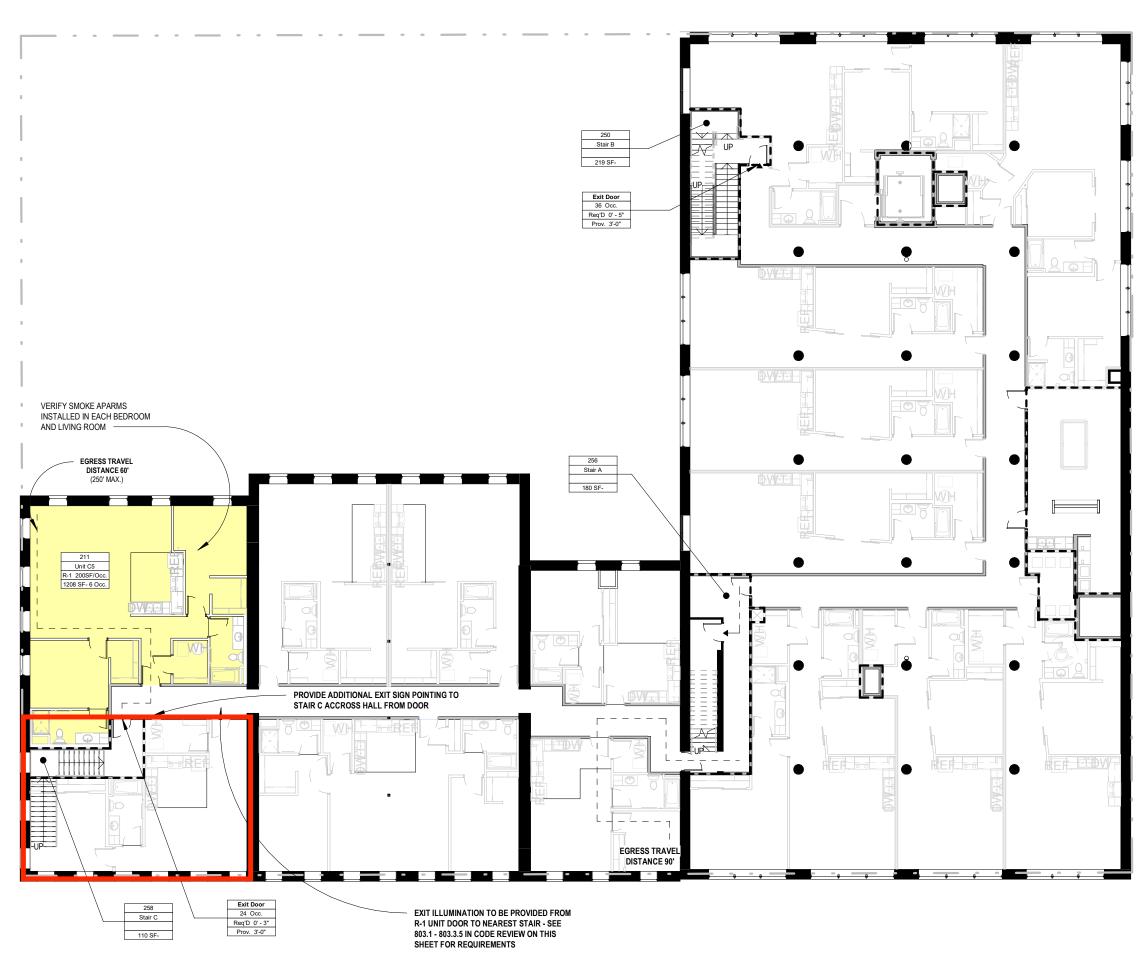
BEN DELWICHE REG. NO: 50935

Cover Sheet

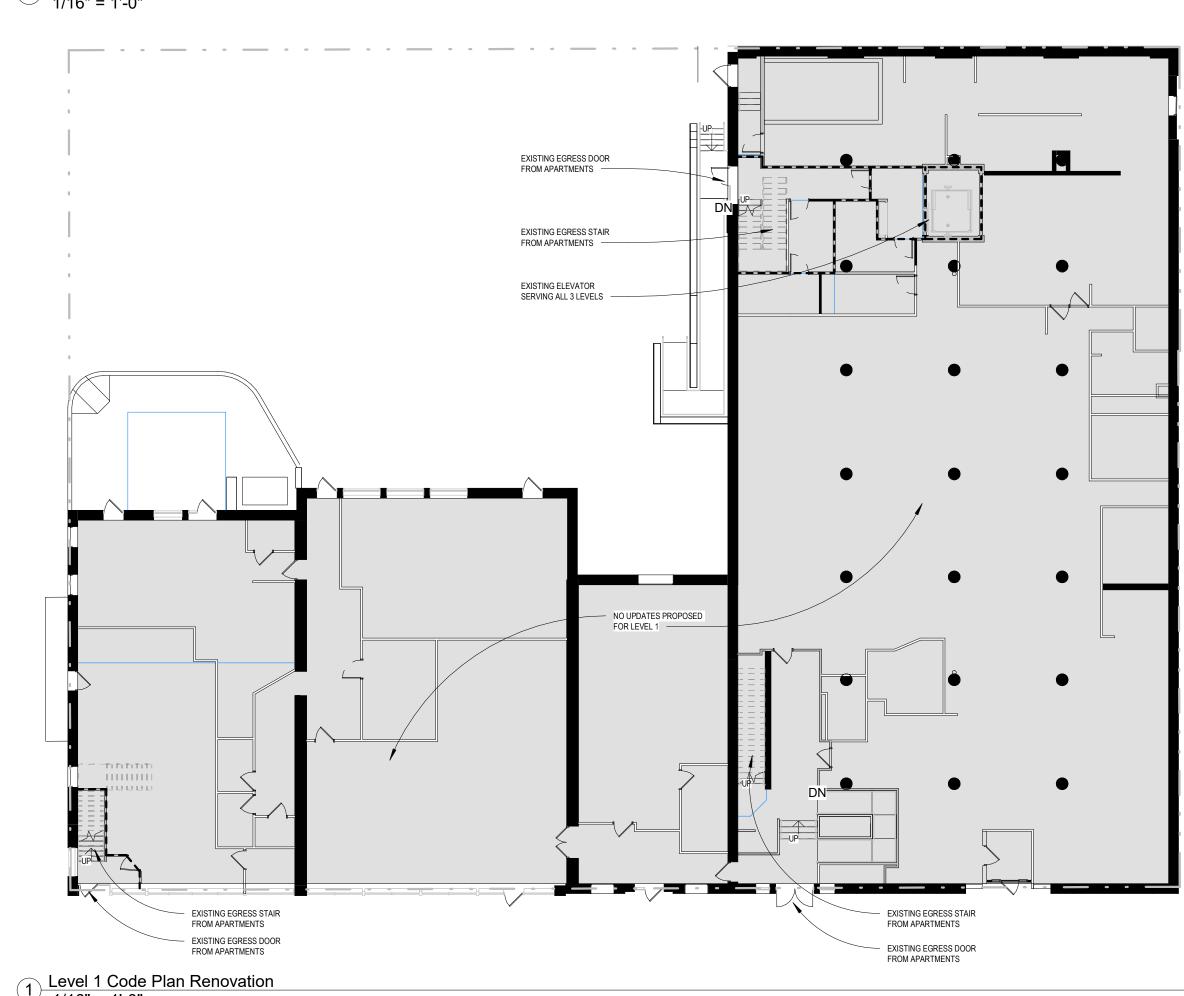
1" = 100'-0"

/ 1/16" = 1'-0"

### MAX OCCUPANCY TO BE LIMITED TO 5 PERSONS PER PLIUP2406-0002



2 Level 2 Code Plan Renovation 1/16" = 1'-0"



### **EXISTING BUILDING CONDITIONS**

### **EXISTING CONSTRUCTION AND OCCUPANCIES:**

THE EXISTING BUILDING WAS CONSTRUCTED IN APPROXIMATELY 1886 PER A PROPERTY DETAIL REPORT. ON 11/14/2014 RENOVATION PLANS WERE APPROVED TO CONVERT THE B OCCUPANCY ON SECOND AND THIRD FLOOR TO R-2 APARTMENTS. CURRENTLY THE USE OF THE SPACES ON FIRST FLOOR ARE EITHER A-2, B OR M.

### SCOPE OF PROPOSED RENOVATION WORK:

CONVERT TWO EXISITING R-2 DWELLING UNITS TO R-1 OCCUPANCY. NO OTHER CHANGES TO THE EXISTING BUILDING ARE BEING PROPOSED AS A RESULT OF THIS CHANGE.

### **CODE REVIEW SUMMARY**

### **CHAPTER 2: DEFINITIONS**

### SECTION 202: GENERAL DEFINITIONS

CHANGE OF OCCUPANCY. A change in the use of a building or a portion of a building that results in any of the following:

- 1. A change of occupancy classification. 2. A change from one group to another group within an occupancy classification.
- 3. Any change in use within a group for which there is a change in application of the requirements of this code.
- THE OCCUPANCY CLASSIFICATION WOULD CHANGE FROM R-2 FOR THE TWO AFFECTED UNITS (211, 305) TO R-1, THEREFORE THIS WOULD BE CONSIDERED A "CHANGE OF USE" FOR THE PURPOSES OF OTHER CODE SECTIONS

ALTERATION. Any construction or renovation to an existing structure other than repair or addition.

### NO CONSTRUCTION OR RENOVATION WORK TO TAKE PLACE, OTHER THAN WHAT IS REQUIRED FOR THIS OCCUPANCY UPDATE.

### **CHAPTER 6: CLASSIFICATION OF WORK**

SECTION 605: CHANGE OF OCCUPANCY

605.1 Scope: Change of occupancy provisions apply where the activity is classified as a change of occupancy as defined in Chapter 2. PROVISIONS APPLY

605.2 Application: Changes of occupancy shall comply with the provisions of Chapter 10.

### **CHAPTER 10: CHANGE OF OCCUPANCY**

### SECTION 1005 MEANS OF EGRESS

Means of egress in portions of buildings undergoing a change of occupancy classification shall comply with Section 1011.

The requirements of IEBC Chapter 9 shall be applicable throughout the building for the new occupancy classification based on the separation conditions in Sections 1011.1.1.1 and 1011.1.1.2.

### 1011.1.1.1 Change of occupancy classification without separation.

Where a portion of an existing building is changed to a new occupancy classification or where there is a change of occupancy within a space where there is a different fire protection system threshold requirement in Chapter 9 of the International Building Code, and that portion is not separated from the remainder of the building with fire barriers having a fire-resistance rating as required in the International Building Code for the separate occupancy, the entire building shall comply with all of the requirements of Chapter 9 of this code applied throughout the building for the most restrictive occupancy classification in the building and with the requirements of this

### 907.2.10.1 Group R-1.

Single- or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

2.In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.

3.In each story within the sleeping unit, including basements. For sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

### SMOKE ALARMS TO BE INSTALLED IN THESE LOCATIONS OF THE UPDATED UNITS IF NOT IN PLACE ALREADY.

### 1011.4 MEANS OF EGRESS HAZARD CATAGORIES

1011.6 EXPOSURE OF EXTERIOR WALLS HAZARD CATAGORIES

THE UPDATED R-1 THE SAME HAZARD CATAGORY AS THE EXISTING R-2 USE - NO UPDATE REQUIRED

# 1011.5 HEIGHTS AND AREAS HAZARD CATAGORIES

THE UPDATED R-1 THE SAME HAZARD CATAGORY AS THE EXISTING R-2 USE - NO UPDATE REQUIRED

THE UPDATED R-1 THE SAME HAZARD CATAGORY AS THE EXISTING R-2 USE - NO UPDATE REQUIRED

### 2020 MN STATE BUILDING CODE MEANS OF EGRESS UPDATES FOR R-1 USE

### SECTION 1008 - MEANS OF EGRESS ILLUMINATION

### 1008.1 Means of egress illumination.

Illumination shall be provided in the means of egress in accordance with Section 1008.2. Under emergency power, means of egress illumination shall comply with

### 1008.3 Emergency power for illumination.

The power supply for means of egress illumination shall normally be provided by the premises' electrical supply.

In the event of power supply failure in rooms and spaces that require two or more means of egress, an emergency electrical system shall automatically illuminate all of

# 3.Exit access stairways and ramps.

In the event of power supply failure in buildings that require two or more means of egress, an emergency electrical system shall automatically illuminate all of the

### following areas: 1.Interior exit access stairways and ramps.

The emergency power system shall provide power for a duration of not less than 90 minutes and shall consist of storage batteries, unit equipment or an on-site

# generator. The installation of the emergency power system shall be in accordance with Section 2702.

1008.3.5 Illumination level under emergency power. Emergency lighting facilities shall be arranged to provide initial illumination that is not less than an average of 1 footcandle (11 lux) and a minimum at any point of 0.1 footcandle (1 lux) measured along the path of egress at floor level. Illumination levels shall be permitted to decline to 0.6 footcandle (6 lux) average and a minimum at any point of 0.06 footcandle (0.6 lux) at the end of the emergency lighting time duration. A maximum-to-minimum illumination uniformity ratio of 40 to 1 shall not be

### • EXIT ILLUMINATION TO BE PROVIDED AT CORRIDOR SERVING R-1 UNITS

### SECTION 1013 - EXIT SIGNS

### 1013.1 Where required.

Exits and exit access doors shall be marked by an approved exit sign readily visible from any direction of egress travel. The path of egress travel to exits and within exits shall be marked by readily visible exit signs to clearly indicate the direction of egress travel in cases where the exit or the path of egress travel is not immediately visible to the occupants. Intervening means of egress doors within exits shall be marked by exit signs. Exit sign placement shall be such that any point in an exit access corridor or exit passageway is within 100 feet (30 480 mm) or the listed viewing distance of the sign, whichever is less, from the nearest visible exit sign.

3. Exit signs are not required in occupancies in Group U and individual sleeping units or dwelling units in Group R-1, R-2 or R-3.

exceeded. In Group I-2 occupancies, failure of a single lamp in a luminaire shall not reduce the illumination level to less than 0.2 footcandle (2.2 lux).

Where exit signs are required in Group R-1 occupancies by Section 1013.1, additional low-level exit signs shall be provided in all areas serving guest rooms in Group R-1 occupancies and shall comply with Section 1013.5.

### 1013.3 Illumination.

Exit signs shall be internally or externally illuminated.

• LOW LEVEL EXIT SIGNS TO BE PROVIDED OUTSIDE R-1 UNITS DIRECTING THEM TO THE NEAREST EXIT, WHERE NOT ALREADY PROVIDED.

### ACCESSIBILITY - FROM MN CONSERVATION CODE

ACCESSIBILITY FOR EXISTING BUILDINGS

Existing buildings or portions of existing buildings undergoing maintenance, change of occupancy, additions, alterations, or reconstruction due to substantial damage or substantial improvements shall be made accessible to persons with disabilities as required by Minnesota Rules, Chapter 1341. Refer to Minnesota Rules, Chapter 1341, the Minnesota Accessibility Code, for the complete application of Section 305.

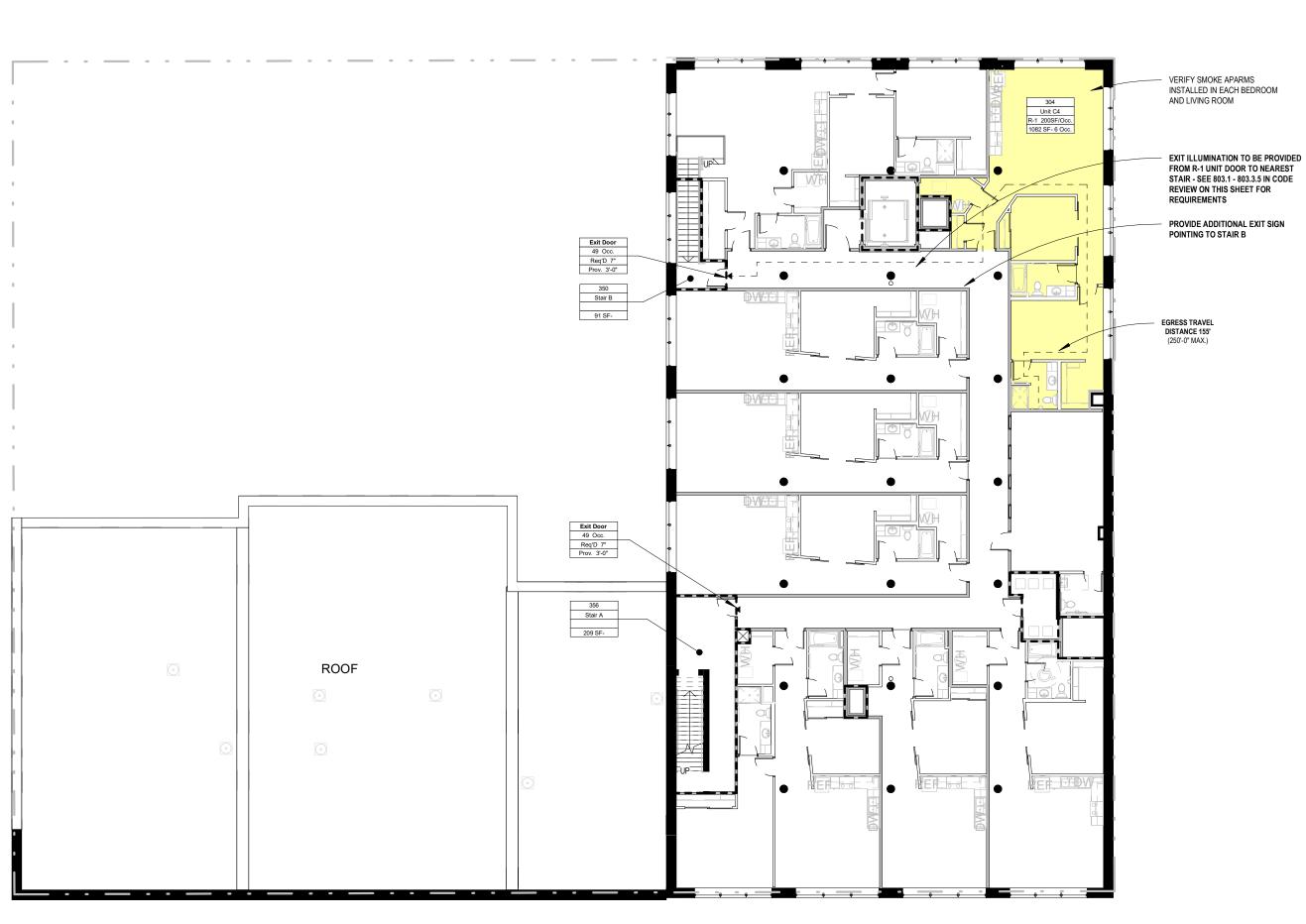
DOES NOT APPLY - THIS UPDATE DOES NOT INCLUDE ANY SUBSTANTIAL IMPROVEMENTS, OR REPAIR OF ANY SUBSTANTIAL DAMAGE. THE PROJECT SCOPE IS ONLY A CHANGE OF OCCUPANCY FOR 2 UNITS, AND ANY NECESSARY EGRESS UPDATES TO ACCOMMODATE THE NEW USE.

Where a portion of the building is changed to a new occupancy classification, any alterations shall comply with Sections 305.6, 305.7 and 305.8.

DOES NOT APPLY - THE SCOPE OF WORK DOES NOT MEET THE DEFINITION FOR AN ALTERATION SINCE NO WORK IS TO TAKE PLACE, IT IS ONLY A CHANGE OF OCCUPANCY AND ANY NECESSARY EGRESS UPDATES TO ACCOMMODATE THE NEW USE.

### ALTERATION. Any construction or renovation to an existing structure other than repair or addition.





### **Applicable Building Codes**

1.2020 Minnesota State Building Code

2.2020 Minnesota Conservation Code for Existing Buildings /MSBC Chapter 1311

## **Code Plan Key**

Room Number Name: Unit Type
Read 2008F/Occ.
150 SF- 2 Occ.
Room Name - Accessibility Type
Occupancy - Load Factor
Room Area - Occupant Load Exit Door
45 Occ.
Occupant Load Req<sup>D</sup> 3'-0" Required Exit Width Exit Width Provided

**EXISTING 2 HOUR RATED** MASONRY EXTERIOR WALL

1 HOUR RATED FIRE BARRIER **COMPLYING WITH 706** 1 HOUR RATED FIRE PARTITION COMPLYING WITH 708 UNRATED RATED ASSEMBLY

1301 American Blvd. East

Suite 100 Bloomington, MN 55425 tel: (612) 879-6000 www.kaaswilson.com

# Lofts on Cana

20 Sutphin St Duluth, MN 55802

# Canal Park Square LLC

233 Park Ave S. Minneapolis, MN 55413

Project Number 07/24/2024 Drawn By Checked By

> I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED UNDER MY DIRECT SUPERVISION AND THAT I AM A REGISTERED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

BEN DELWICHE REG. NO: 50935

Code Plans Renovation

1/16" = 1'-0"

### **Vacation Dwelling Unit Worksheet**

1. The minimum rental period shall be not less than two consecutive nights (does not apply to Form districts).

### What will be your minimum rental period?

2 night(s).

2. The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multip by two. You may rent no more than four bedrooms.

### How many legal bedrooms are in the dwelling?

1

#### What will be your maximum occupancy?

2 or Bedroom # + 1

- 3. Off-street parking shall be provided at the following rate:
  - a. 1-2 bedroom unit, 1 space
  - b. 3 bedroom unit, 2 spaces
  - c. 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.
  - d. Vacation dwelling units licensed on May 15, 2016, are entitled to continue operating under the former off-street parking requirement. The parking exemption for vacation dwelling units licensed on May 15, 2016, expires upon transfer of any ownership interest in the permitted property.
  - e. Form districts are not required to provide parking spaces.

### How many off-street parking spaces will your unit provide?

1

4. Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles

(ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at the site, on or off the street.

#### Will you allow motorhome or trailer parking?

No

#### If so, where?

5. Permit holder must keep a guest record including the name, address, phone number, and vehicle (and trailer) license plate information

for all guests and must provide a report to the City upon 48 hours' notice.

### Please explain how and where you will keep your guest record (log book, excel spreadsheet, etc):

online software

- 6. Permit holder must disclose in writing to their guests the following rules and regulations:
  - a. The managing agent or local contact's name, address, and phone number;
  - b. The maximum number of guests allowed at the property;
  - c. The maximum number of vehicles, recreational vehicles, and trailers allowed at the property and where they are to be parked;

- d. Property rules related to use of exterior features of the property, such as decks, patios, grills, recreational fires, pools, hot tubs, saunas and other outdoor recreational facilities;
- e. Applicable sections of City ordinances governing noise, parks, parking and pets;

### Please state where and how this information will be provided to your guests:

online software and booking and website as well as signage at property and house rules inside the unit

7. Permit holder must designate a managing agent or local contact who resides within 25 miles of the City and who has author to act

for the owner in responding 24-hours-a-day to any complaints from neighbors or the City. The permit holder must notify th Land Use Supervisor within 10 days of a change in the managing agent or local contact's contact information.

### Please provide the name and contact information for your local contact:

KEVIN PIETRUSA 20 Sutphin St (218) 428-6143 kaizerholdings@yahoo.com

8. Permit holder must post their permit number on all print, poster or web advertisements.

Do you agree to include the permit number on all advertisements?

Yes