



## CITY OF DULUTH

Community Planning Division

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

<b>File Number</b>	PL17-099	<b>Contact</b>	Kate Van Daele <a href="mailto:kvandaele@duluthmn.gov">kvandaele@duluthmn.gov</a>
<b>Type</b>	Interim Use Permit	<b>Planning Commission Date</b>	August 8, 2017
<b>Deadline for Action</b>	<b>Application Date</b>	June 28, 2017	60 Days
	<b>Date Extension Letter Mailed</b>	June 30, 2017	120 Days
<b>Location of Subject</b>	420 West 9 <sup>th</sup> Street		
<b>Applicant</b>	Ben Gasner	<b>Contact</b>	
<b>Agent</b>	Emily Kniskern	<b>Contact</b>	
<b>Legal Description</b>	LOT: 0076 BLOCK:111		
<b>Site Visit Date</b>	July 22, 2017	<b>Sign Notice Date</b>	July 25, 2017
<b>Neighbor Letter Date</b>	July 25, 2017	<b>Number of Letters Sent</b>	8 Letters

### Proposal

Applicant proposes a vacation dwelling unit for their property at 420 W. 9<sup>th</sup> St. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of two consecutive nights.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Single Family Home	Traditional Neighborhood
<b>North</b>	R-1	Undeveloped	Traditional Neighborhood
<b>South</b>	R-1	Undeveloped	Traditional Neighborhood
<b>East</b>	R-1	Undeveloped	Traditional Neighborhood
<b>West</b>	R-1	Undeveloped	Traditional Neighborhood

### Summary of Code Requirements

UDC Section 50-19.8. Permitted Land Use Table. A Vacation Dwelling Unit is an Interim Use in an R-1 District.

UDC Section 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 50-37.10.1. 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 Section 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 Permit 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 a grid or connected street pattern, houses orientated 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.

### **Review and Discussion Items**

- 1) The applicant's property is located on 420 West 9<sup>th</sup> Street. The dwelling unit has one bedroom, which would allow for a maximum of three people. The home is 540 square feet and was built in 2015.
- 2) Permit holders must designate a managing agent or local contact who resides with 25 miles of the City and who has the 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 agent of this property is Emily Kniskern who resides at 815 North 9<sup>th</sup> Ave East.
- 3) One parking space is required for this unit. Renters are able to park in the paved driveway of the home.
- 4) The site plan indicates that there is natural screening throughout the property. Woods align the north and east sides of the property that provide dense screening. At this time, there are no residential neighbors to the east or south that would require additional buffering. The useable exterior space has been buffered from all adjoining properties in accordance with the UDC requirements.
- 5) A time limit on this Interim Use Permit is needed 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 that Interim Use Permit's shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 6) Applicants has obtained a City of Duluth Tourism Tax Permit, Fire Operational Permit, Lodging License, and State tax I.D. The applicants have also submitted their Hotel/Motel License and are awaiting a response.
- 7) Applicant must comply with Vacation Dwelling Unit Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Pets, and Noise").
- 8) No comments from other City Departments were received regarding this zoning application.

### **Staff Recommendation**

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

- 1) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit documents and provide evidence of compliance, which will be included in the resolution.
- 2) The applicant must disclose to all guests, in writing, that quiet hours shall be observed between the hours of 10p.m. and 8a.m.
- 3) Trash burning on the property is prohibited.
- 4) Prior to issuance of the permit, the applicant shall apply to St. Louis County to merge the existing six parcels into one.

**Legend**

- Bike
- • Multi-Use - Paved
- Mountain Biking and X-Country Skiing
- Climbing
- Trout Stream (GPS)
- · — Other Stream (GPS)
- Water Distribution System**
  - 30 - 60" Water Pipe
  - 16 - 24" Water Pipe
  - 4 - 6" Water Pipe
- Sanitary Sewer Collection System**
  - Sanitary Sewer Collector
  - Sanitary Sewer Interceptor
  - Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Gas Distribution Main**
  - 8" - 16" Gas Pipes
  - 4" - 6" Gas Pipes
  - 0" - 4" Gas Pipes
- Storm Sewer Collection System**
  - Storm Sewer Pipe
  - Storm Sewer Catch Basin
- Wetlands (NRRI)





## City Planning

PL17-099  
420 W. 9th Street

## Legend

- Bike
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  - Mountain Biking and X-Country Skiing
  - Climbing
  - Trout Stream (GPS)
  - Other Stream (GPS)
  -  Wetlands (NRRI)

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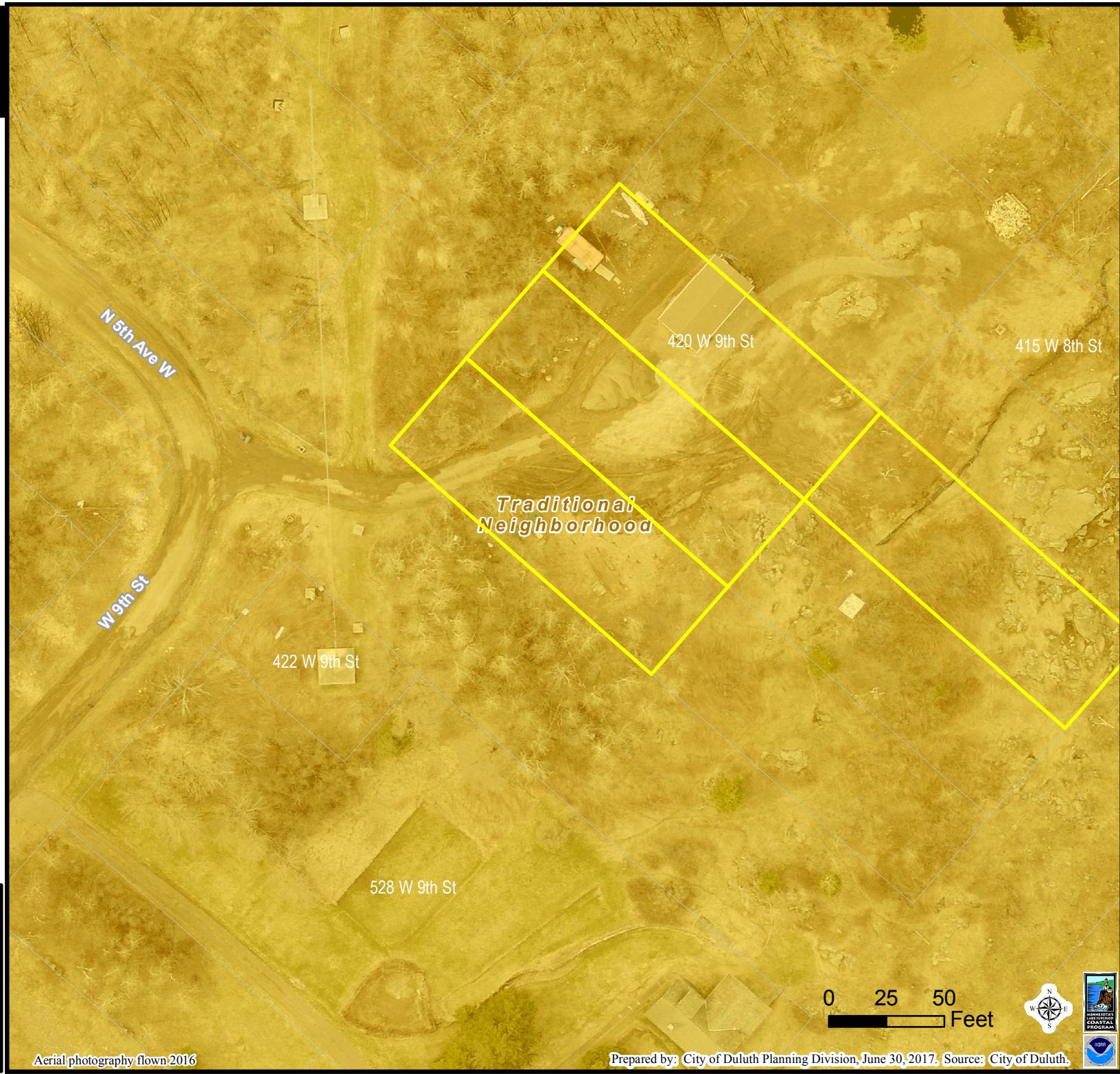
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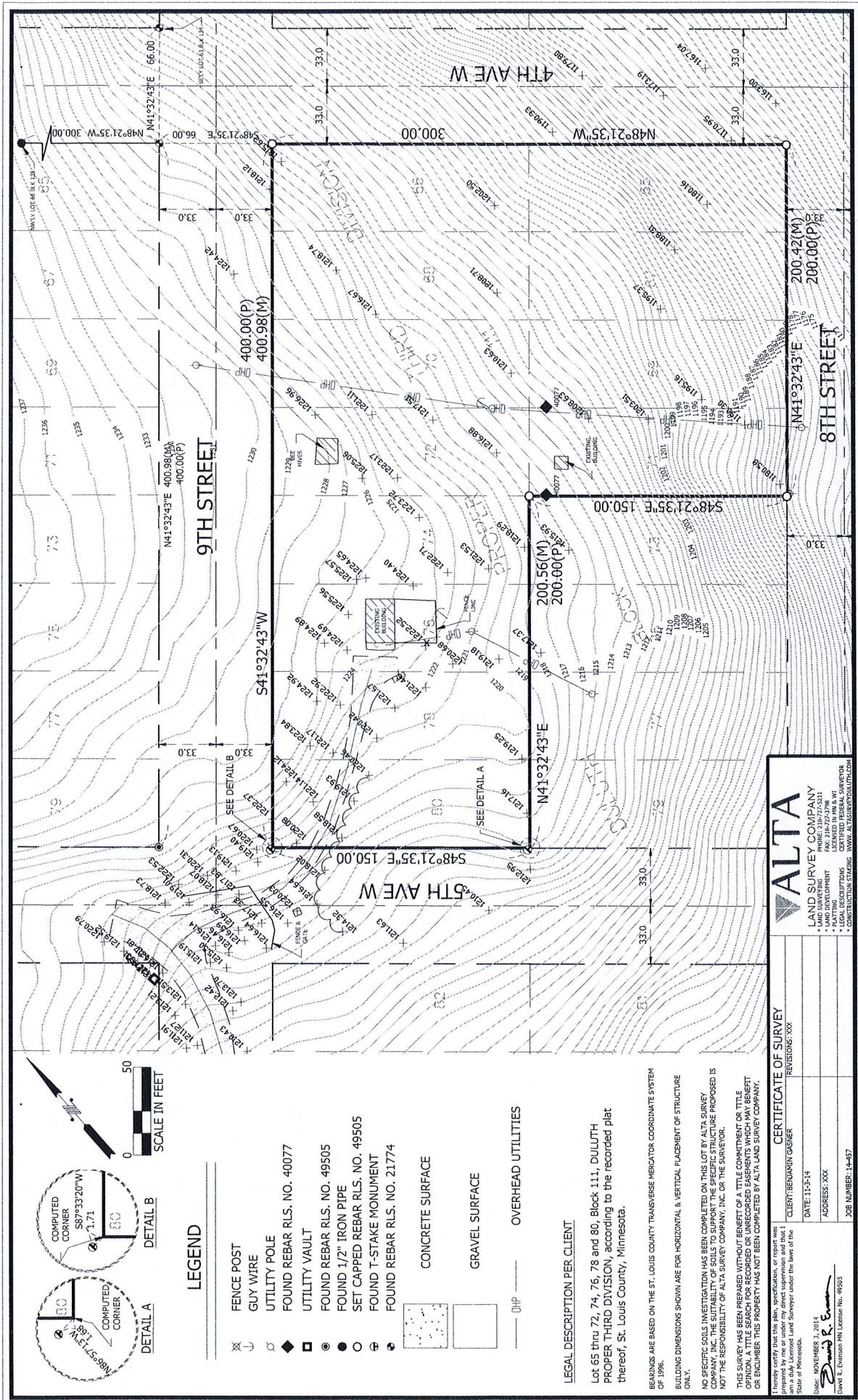
**Future Land Use**

- Preservation
- Recreation
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Neighborhood Mixed Use
- General Mixed Use
- Central Business Secondary
- Central Business Primary
- Auto Oriented Commercial
- Large-scale Commercial
- Business Park
- Tourism/Entertainment District
- Medical District
- Institutional
- Commercial Waterfront
- Industrial Waterfront
- Light Industrial
- General Industrial
- Transportation and Utilities

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I hereby certify that this Plan, Specification 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.

Date: NOVEMBER 8, 2014  
By: *[Signature]*  
David R. Dornson, MN License No. 49295  
• Legal Description  
• Legal Construction Surveying

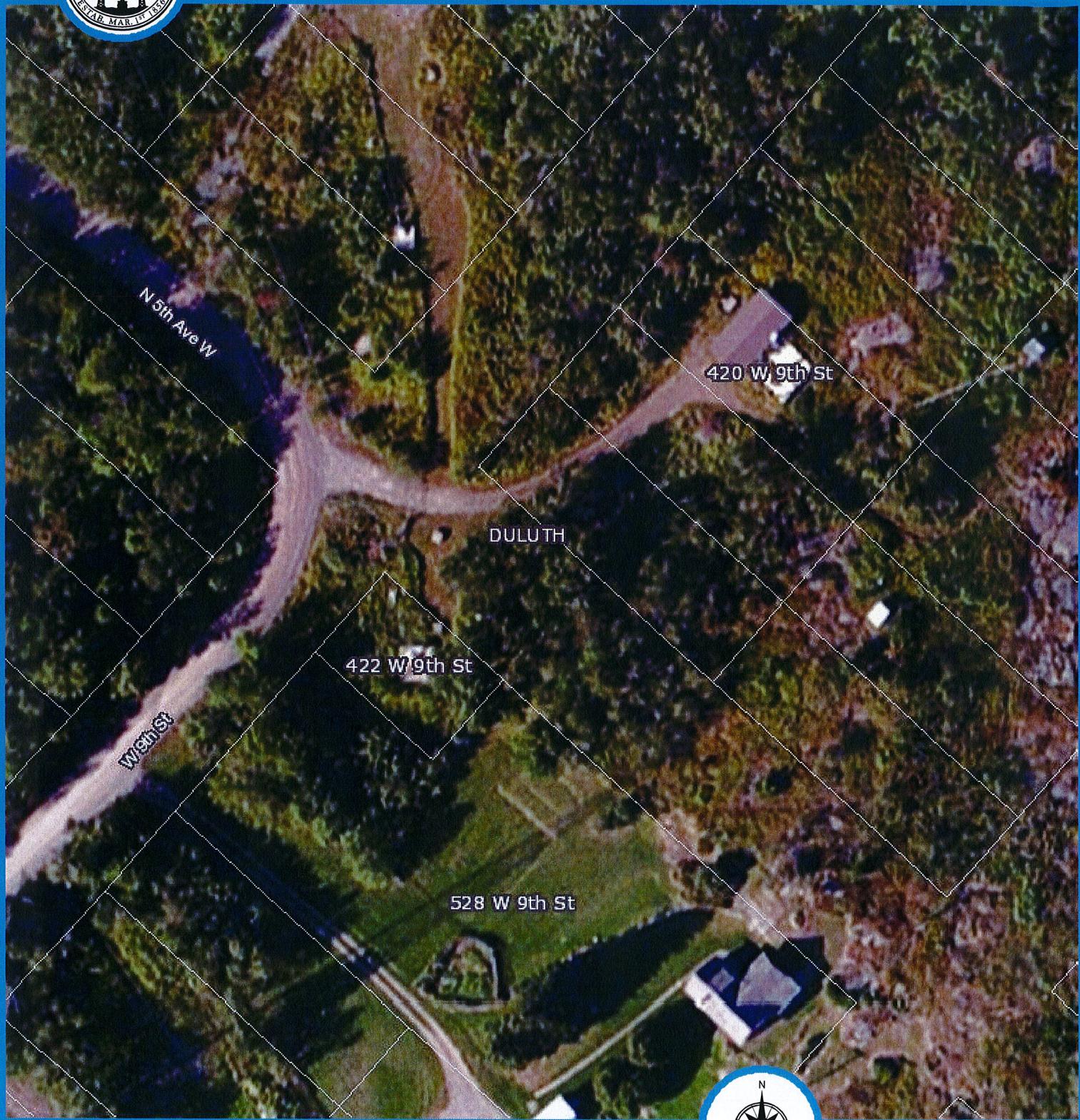


# County Land Explorer

St. Louis County, Minnesota



St. Louis County MN



Title...

default author

Map created using County Land Explorer  
[www.stlouiscountymn.gov/explorer](http://www.stlouiscountymn.gov/explorer)

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Miles

County Land Explorer

[www.stlouiscountymn.gov/explorer](http://www.stlouiscountymn.gov/explorer)

Minnesota

#### Disclaimer

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