



CITY OF DULUTH

Community Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802

Phone: 218/730.5580 Fax: 218/723-3559

File Number	PL17-099	Contact	Kate Van Daele kvandaele@duluthmn.gov	
Type	Interim Use Permit	Planning Commission Date		August 8, 2017
Deadline for Action	Application Date	June 28, 2017	60 Days	August 27, 2017
	Date Extension Letter Mailed	June 30, 2017	120 Days	October 26, 2017
Location of Subject	420 West 9 th Street			
Applicant	Ben Gasner	Contact		
Agent	Emily Kniskern	Contact		
Legal Description	LOT: 0076 BLOCK:111			
Site Visit Date	July 22, 2017	Sign Notice Date		July 25, 2017
Neighbor Letter Date	July 25, 2017	Number of Letters Sent		8 Letters

Proposal

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

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Single Family Home	Traditional Neighborhood
North	R-1	Undeveloped	Traditional Neighborhood
South	R-1	Undeveloped	Traditional Neighborhood
East	R-1	Undeveloped	Traditional Neighborhood
West	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 of 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 9th 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 within 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 9th 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.



City Planning

PL17-099
420 W. 9th Street

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)

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 Planning Division, June 30, 2017; Source: City of Duluth.



PL17-099
420 W. 9th Street

Legend

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

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City Planning

PL17-099 - Future Land Map
420 W. 9th Street

Legend

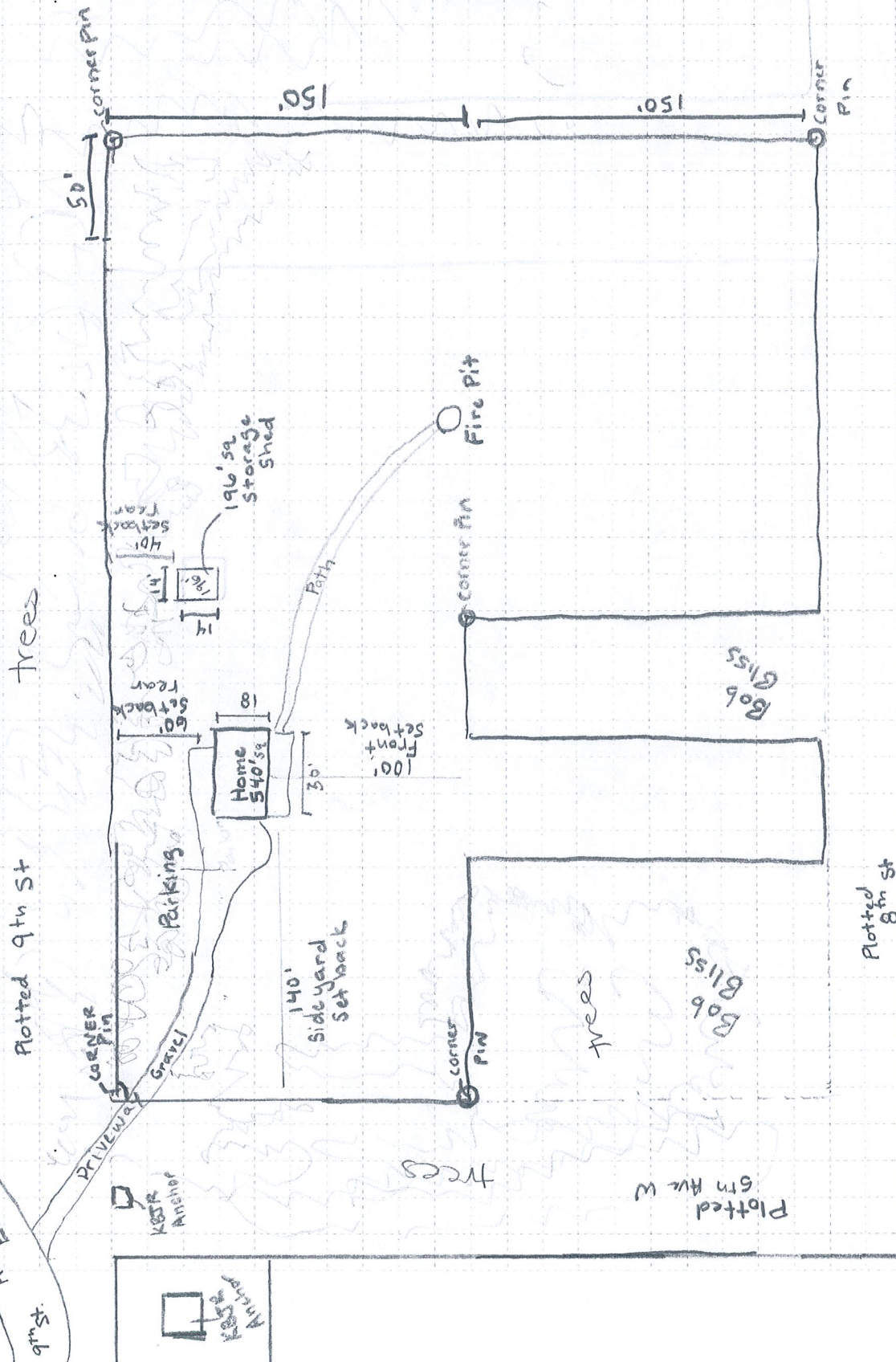
- Bike
- Multi-Use - Paved
- Mountain Biking and X-Country Skiing
- Climbing
- Trout Stream (GPS)
- Other Stream (GPS)
- Wetlands (NRRI)
- Future Land Use**
 - Preservation
 - Recreation
 - Rural Residential
 - Low-density Neighborhood
 - Traditional Neighborhood
 - Urban Residential
 - Neighborhood 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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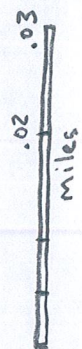
5th Ave

Main Street

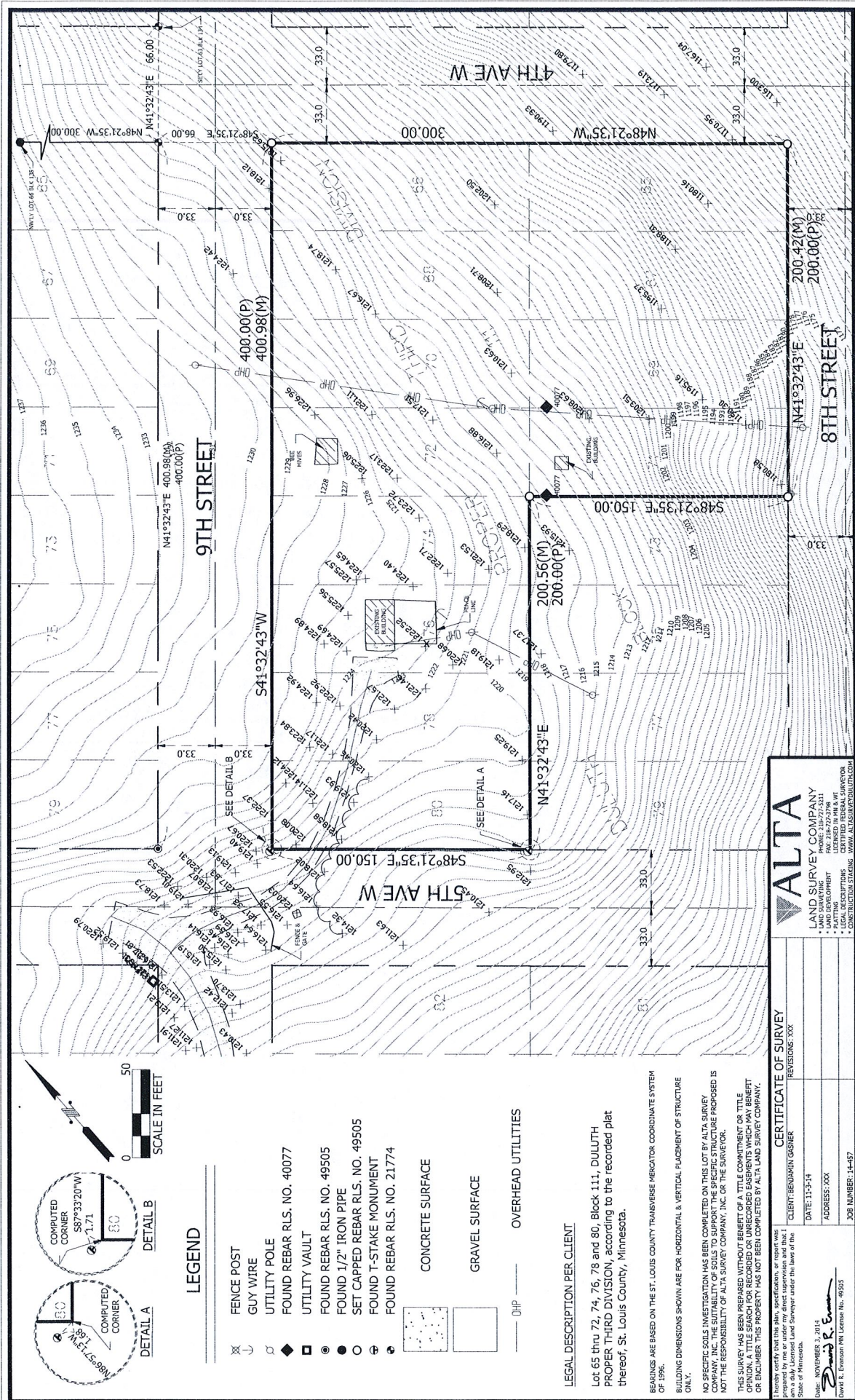


Address: 420 W 9th St
ZONE: RR 2
Lot Area 2.2 acres
Site Plan Based on Survey

おさく



Dens = urban
Screening
E. Trees



ALTA LAND SURVEY COMPANY LAND SURVEYING LAND DEVELOPMENT LEGAL DESCRIPTIONS CERTIFIED FEDERAL SURVEYOR CONSTRUCTION STAMP: WWW.ALTA-SURVEY.COM	
CLIENT: BENJAMIN GARNER DATE: 11-25-14 ADDRESS: XXX JOB NUMBER: 14-457	

CERTIFICATE OF SURVEY

REVISIONS: XXX

DATE: 11-25-14

ADDRESS: XXX

JOB NUMBER: 14-457

DATE: NOVEMBER 2, 2014

David R. Evans
 David R. Evans, PLS License No. 49505

I hereby certify that this plat, 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.

BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERIDIAN COORDINATE SYSTEM OF 1996.

BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY.

NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY ALTA SURVEY COMPANY, INC. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA SURVEY COMPANY, INC. OR THE SURVEYOR.

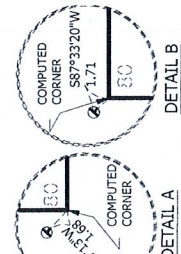
THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY.

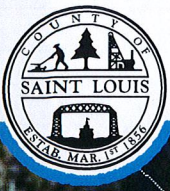
LEGAL DESCRIPTION PER CLIENT

Lot 65 thru 72, 74, 76, 78 and 80, Block 111, DULUTH PROPER THIRD DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota.

LEGEND

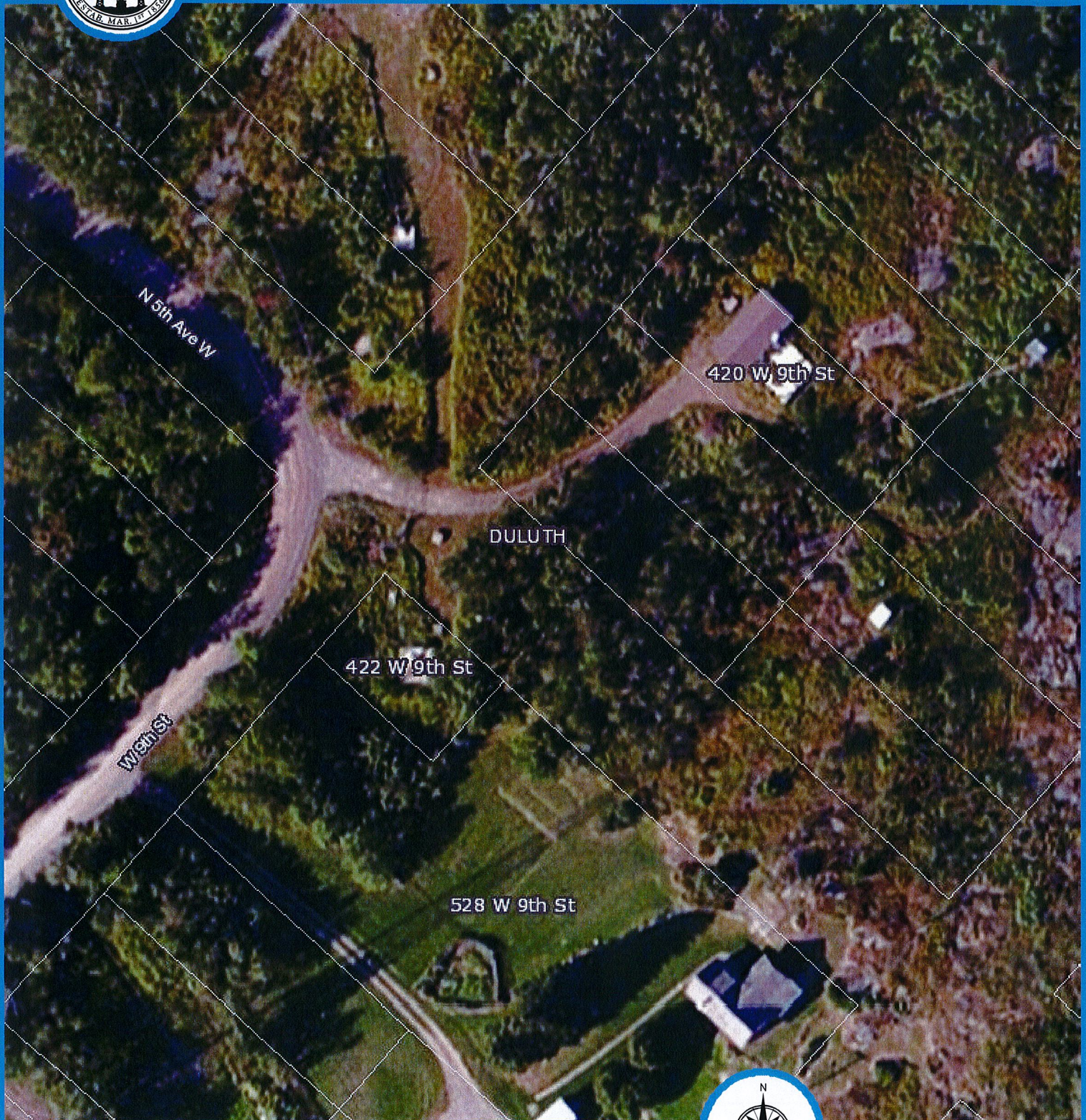
- ✕ FENCE POST
- ↑ GUY WIRE
- UTILITY POLE
- ◆ FOUND REBAR RLS. NO. 40077
- UTILITY VAULT
- FOUND REBAR RLS. NO. 49505
- FOUND 1/2" IRON PIPE
- SET CAPPED REBAR RLS. NO. 49505
- ⊕ FOUND T-STAKE MONUMENT
- ⊕ FOUND REBAR RLS. NO. 21774
- ▨ CONCRETE SURFACE
- GRAVEL SURFACE
- DHP — OVERHEAD UTILITIES





County Land Explorer

St. Louis County, Minnesota



Title...

default author

Map created using County Land Explorer
www.stlouiscountymn.gov/explorer



0 0.005 0.01 0.02 0.03
Miles

County Land Explorer
St. Louis County www.stlouiscountymn.gov/explorer Minnesota

Disclaimer

This is a compilation of records as they appear in the Saint Louis County Offices affecting the area shown. This drawing is to be used only for reference purposes and the County is not responsible for any inaccuracies herein

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