



# CITY OF DULUTH

Community Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197

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<b>File Number</b>	PL 18-110	<b>Contact</b>	Chris Lee, cleee@duluthmn.gov	
<b>Type</b>	Interim Use Permit – Vacation Dwelling Unit	<b>Planning Commission Date</b>		September 11, 2018
<b>Deadline for Action</b>	<b>Application Date</b>	August 6, 2018	<b>60 Days</b>	October 5, 2018
	<b>Date Extension Letter Mailed</b>	August 16, 2018	<b>120 Days</b>	December 12, 2018
<b>Location of Subject</b>		5727 Grand Ave		
<b>Applicant</b>	Anna and Nathanael Bailey	<b>Contact</b>	baileyn73@gmail.com	
<b>Agent</b>		<b>Contact</b>	annabaileyng@gmail.com	
<b>Legal Description</b>		See Attached, PID: 010-4510-03590		
<b>Site Visit Date</b>		August 27, 2018	<b>Sign Notice Date</b>	August 28, 2018
<b>Neighbor Letter Date</b>		August 29, 2018	<b>Number of Letters Sent</b>	47

## Proposal

Applicant proposes use of a single family home with 1 legal bedroom as a vacation rental property. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of 2 nights.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	F-3	Mid-Rise Comm. Shopping	Central Business Secondary
<b>North</b>	F-3	Mid-Rise Comm. Shopping	Central Business Secondary
<b>South</b>	MU-C	Mixed Use Commercial	Central Business Secondary
<b>East</b>	MU-C	Mixed Use Commercial	Central Business Secondary
<b>West</b>	MU-N	Mixed Use Neighborhood	Central Business Secondary

## Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in an F-3 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

- 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

Future Land Use – Central Business Secondary:

An area adjacent to and supporting the primary central business area or a stand-alone area providing a similar mix of destination land uses but at a lower intensity than the primary CB area. Includes mixed regional and neighborhood retail, employment centers, public spaces, medium density residential, and public parking facilities.

The site is developed consistent with the future land use as described and the applicant is not proposing alterations to the use.

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

- 1) Applicant's property is located on 5727 Grand Ave. The proposed vacation dwelling unit has 1 bedroom, which would allow for a maximum of 2 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. Applicant will serve as the managing agent.
- 3) Parking for the structure is located in lot to the south of the structure on the parcel. There will be trailer or motorhome parking at this location in the same lot.
- 4) The site plan indicates a porch on the upper floor that will be used by renters. There is no screening due to this use being on the upper story and contained mostly inside the structure.
- 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) Applicants have obtained the City of Duluth Tourism Tax license, the Minnesota Department of Health Lodging License, and have a Tax ID number. Applicant will need an operational permit with the City's fire prevention office and also need to apply for a Hotel/Motel License.
- 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) No comments from citizens, City staff, or any other entity were received regarding the application.

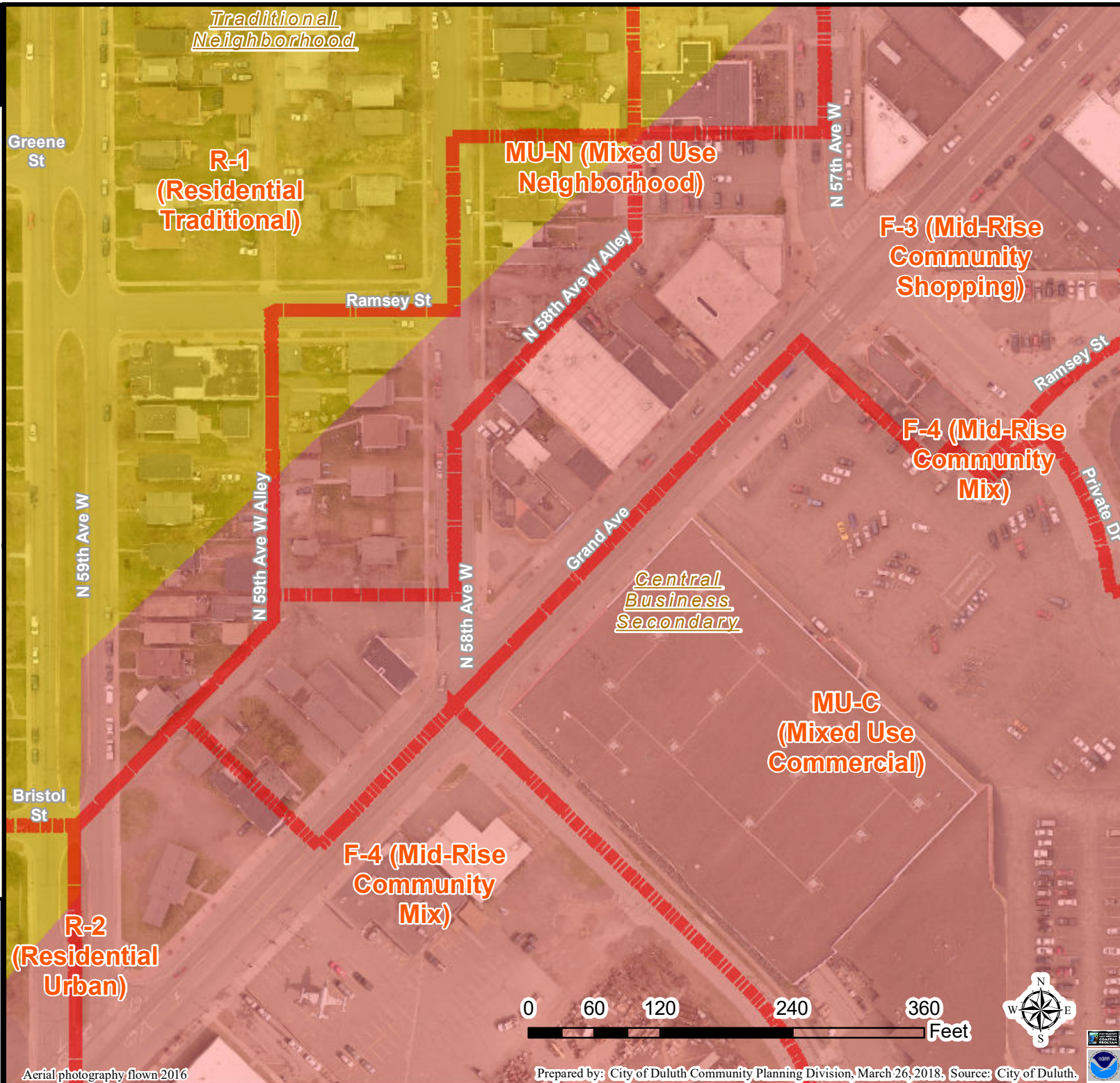
**Staff Recommendation:**

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 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.
- 3) 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.



PL 18-110: IUP  
5727 Grand Ave



### 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

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





PL 18-110: IUP  
5727 Grand Ave

**Legend**

Gas Main

Water Main

Hydrant

**Sanitary Sewer Mains**

CITY OF DULUTH

WLSSD; PRIVATE

Sanitary Sewer Forced Main

Storage Basin

Pump Station

**Storm Sewer Mains**

Storm Sewer Pipe

Storm Sewer Catch Basin

Road or Alley ROW

Vacated ROW

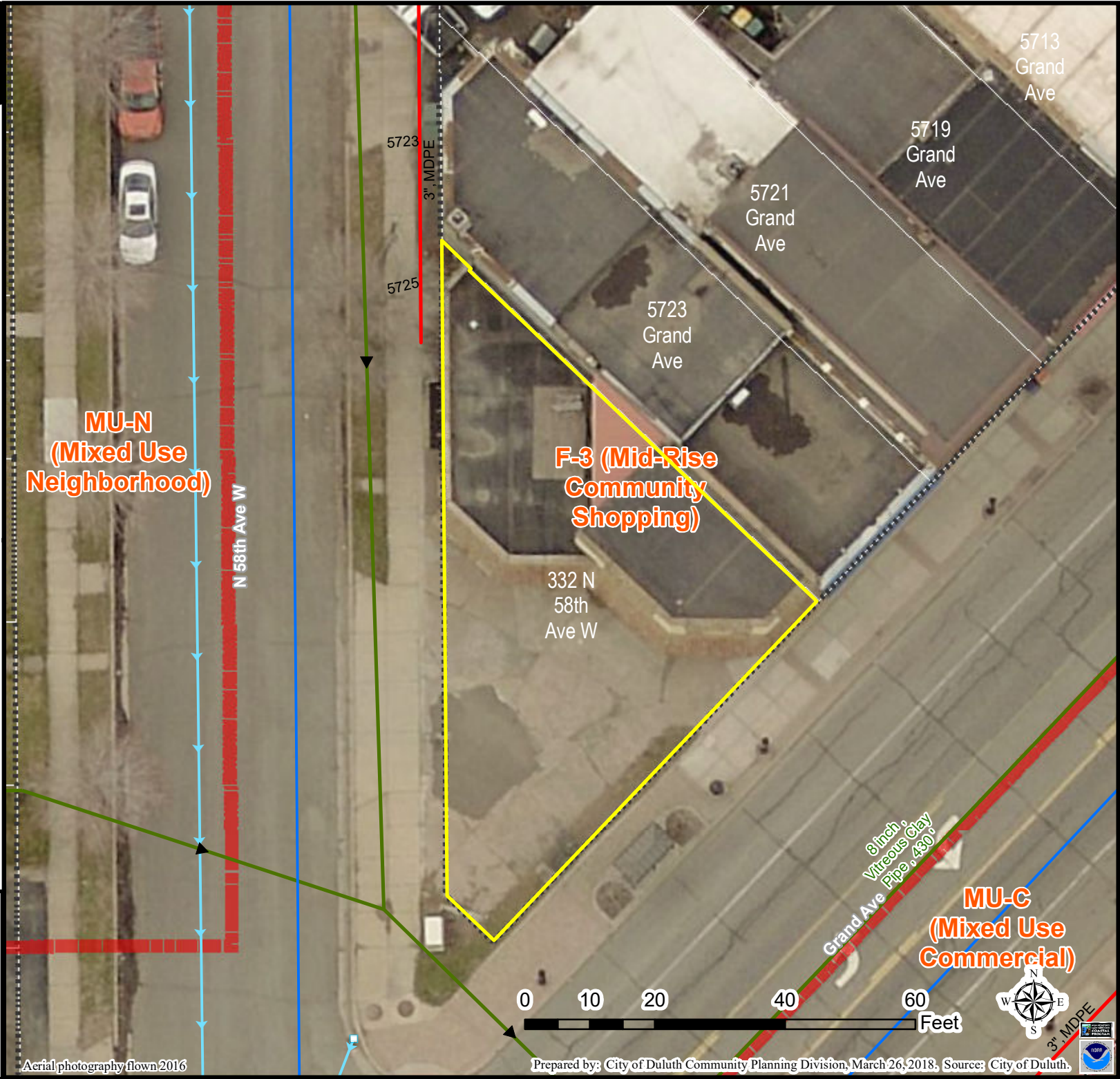
**Easement Type**

Utility Easement

Other Easement

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• LEGAL DESCRIPTION  
WEST DULUTH 5TH DIVISION LOT 28 EX ELY 40/100 FT  
OF SLY 73 8/10 FT AND OF LOT 29 BLK 141

