

# Planning & Development Division

Planning & Economic Development Department

Room 160 411 West First Street Duluth, Minnesota 55802



| File Number          | PLIUP-2502-0006                             |                       | Contact                          |          |              | .avenstein,<br>ein@duluthmn.gov |  |
|----------------------|---|-----------------------|----------------------------------|----------|--------------|---------------------------------|--|
| Туре                 | Interim Use Permit – Vacation Dwelling Unit |                       | Planning Commission Date         |          | n Date       | March 27, 2025                  |  |
| Deadline             | Application Date                            |                       | February 24, 2024 <b>60 Days</b> |          | 60 Days      | April 25, 2025                  |  |
| for Action           | Date Extension Letter Mailed                |                       | February 28, 2025                |          | 120 Days     | June 24, 2025                   |  |
| Location of Subject  |   | 37 England Ave        |                                  |          |              |                                 |  |
| Applicant            | Riverside                                   | Riverside Rentals LLC |                                  | Darin Re | Darin Reinke |                                 |  |
| Agent                |   |                       | Contact                          | NA       | NA           |                                 |  |
| Legal Description    |   | 010-3970-01310        |                                  |          |              |                                 |  |
| Site Visit Date      |   | March 13, 2025        | Sign Notice Date                 |          |              | March 13, 2025                  |  |
| Neighbor Letter Date |   | March 12, 2025        | Number of Letters Sent           |          | ent          | 71                              |  |

#### **Proposal**

The applicant proposes use of a 2-bedroom dwelling unit in a duplex as a new vacation rental property. The applicant was on the eligibility list.

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

|         | Current Zoning | Existing Land Use | Future Land Use Map Designation |
|---------|----------------|-------------------|---------------------------------|
| Subject | R-1            | Residential       | Traditional Neighborhood        |
| North   | R-1            | Residential       | Traditional Neighborhood        |
| South   | R-1            | Residential       | Traditional Neighborhood        |
| East    | R-1            | Residential       | Traditional Neighborhood        |
| West    | R-1            | Residential       | Traditional Neighborhood        |

## **Summary of Code Requirements:**

UDC Section 50-19.8. Permitted Use Table. A vacation dwelling unit is an Interim Use in the R-1 zone district.

UDC Section 50-20.3.V 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 allows property owners to generate income and provides a service for tourists.

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 – Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented 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, neighborhood extensions, and new traditional neighborhood areas.

History: The subject property was built in 1917. The existing structure is a duplex with 2 bedrooms in each unit.

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

Staff finds that:

- 1) Applicants' property is located at 37 England Avenue. One of the property's two duplex units will be rented. The unit has 2 bedrooms, which allow for a maximum of 5 guests.
- 2) The minimum rental period will be two nights.
- 3) Two off-street parking spaces will be provided in the property's rear parking area.
- 4) The applicant has indicated they will allow motorhomes or trailers in the property's rear parking area.
- 5) 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 themselves to serve as the local contact.
- 6) There is existing screening on the south side of the property satisfying the requirements of UDC 50-20.3.V.7. The applicant owns the adjacent property to the east and is not requiring screening.
- 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.U.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 vacation dwelling unit regulations, including providing information to guests on city rules.
- 9) There are currently 169 licensed vacation dwelling units in the city, with 84 of those in form districts; the remaining 85 are subject to the cap of 110. The subject property is located within a residential traditional zone district and is subject to the cap.
- 10) No public, agency, or City comments were received.
- 11) The permit will lapse if no activity takes place within 1 year of approval.

### Staff Recommendation:

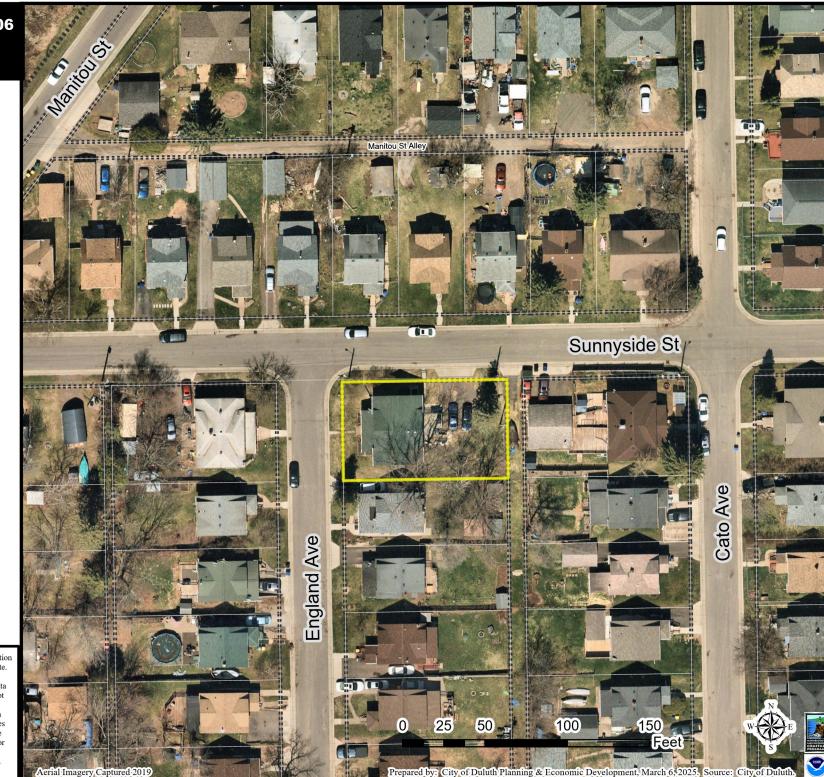
Based on the above findings, Staff recommends that Planning Commission approve the permit subject to the following conditions:

- 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 may be approved by the Land Use Supervisor without further Planning Commission review; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PLIUP-2502-0006

Interim Use Permit 37 England Ave



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