



CITY OF DULUTH

Community Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197

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

File Number	PL 17-019		Contact	Kyle Deming, 218-730-5329	
Type	Interim Use Permit – Vacation Dwelling Unit		Planning Commission Date		March 14, 2017
Deadline for Action	Application Date		January 30, 2017	60 Days	March 31, 2017
	Date Extension Letter Mailed		February 24, 2017	120 Days	May 30, 2017
Location of Subject		1621 E. Superior St. (Endion)			
Applicant	Brian & Crystal Jordan		Contact	1569 Sunshine Ln., Carlton, MN 55718	
Agent			Contact		
Legal Description		Lots 11 and E ½ of Lot 12, Block 59, Endion Division			
Site Visit Date		February 27, 2017	Sign Notice Date		February 27, 2017
Neighbor Letter Date		February 24, 2017	Number of Letters Sent		34

Proposal

Interim Use Permit for two (2) Vacation Dwelling Units consisting of one (1) two-bedroom unit and one (1) one-bedroom unit in an existing four (4) family dwelling. These units currently have a Vacation Dwelling Unit Interim Use Permit and the applicant is proposing to purchase the property and continue to operate them as vacation rentals.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-2	4-family dwelling	Urban Residential
North	R-2	Multi-family dwellings	Urban Residential
South	R-2	Multi-family dwellings	Urban Residential
East	R-2	Multi-family dwellings	Urban Residential
West	R-2	Vacation rental	Urban Residential

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in an R-1 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 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 – Urban Residential:

Greatest variety of building types, medium to high densities. Applicable to larger infill areas close to downtown, entertainment or activity centers, and waterfront residential areas. May include student housing areas, live/work units, and limited neighborhood retail. Connected or adjacent to parks and open space.

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:

Staff finds the following:

- 1) The applicant's property is a four-family dwelling that contains two long-term rental units and two vacation dwelling units. The vacation dwelling units include one (1) two-bedroom unit and one (1) one-bedroom unit. The total number of guests allowed is 4 persons in the two-bedroom unit and 3 persons in the one-bedroom unit.
- 2) The site is 75' wide by 150' deep. It has 5 off-street parking spaces (4 required), 1 space for each vacation dwelling unit is required and 1 space each for the 2 regular dwelling units in the building. The parking spaces are accessed via a shared driveway that is covered by a driveway easement and maintenance agreement;
- 3) The applicant has applied for a transfer of the existing Operational Permit from the Fire Department and the Lodging License from the State Health Department, but the applicant will need finalize these transfers before the Interim Use Permit is effective.
- 4) The applicant has provided evidence of being set up to pay the appropriate taxes to the State and City.
- 5) The applicant has paid for the required City license from the City Clerk to rent short-term.
- 6) The applicant will send the required letter to neighbors within 100' providing the contact info. for the property manager if Council approves the interim use permit.
- 7) 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.
- 8) No comments were received from government staff or the general public concerning this proposal.

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 Land Use Supervisor has determined that the following conditions have been met:
 - a. The applicant has received all required licenses and permits for operation.
 - b. The applicant shall send the required letter to neighbors with the property managers contact information.
- 2) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit document and provide evidence of compliance.

City of Duluth Planning Division
January 26, 2017

We are Brian and Crystal Jordan, doing business as Manor House LLC. We are applying for an interim use permit for the property that we intend to purchase from Brian's parents, Jeff and Anna Latz, this spring. The property is 1621 E. Superior Street. Our intention is to continue the business plan that Jeff and Anna have developed. This historic home has been licensed as a VRBO by the city of Duluth and has been operating in that manner. The home has not only two vacation rental units but also two long-term rental apartments.

We have been taking part in this business venture for a couple of years. Brian has been the local manager for the property since it was purchased. In the beginning of last year, we began to book reservations and take part in more of the day-to-day management aspect of the rental property. We have been successful with this venture and are prepared to take it to the next level. We have found that we love to bring people to Duluth to enjoy our beautiful city.

Our minimum rental period for the units is two consecutive nights.

For our first floor unit, the total number of people who may occupy the unit is not to exceed 4 (2 bedrooms, multiplied by 2). For our second floor unit, the total number of people who may occupy the unit is not to exceed 2 (1 bedroom, multiplied by 2).

Off-street parking is provided. Two parking places are provided for the first floor. One parking space is provided for the second floor. We have 5 off-street parking places available in our parking area (which includes our two apartment rental spaces) as well as a 2-car garage.

We do not allow trailer or motorhome parking.

Please see included documentation of licenses and permits from the City of Duluth and State of Minnesota. We have submitted an application for a hotel/motel license with the city of Duluth. We have mailed our transfer application for our lodging license with the State Department of Health. We have begun the process for transferring our fire operational permit with the fire department. We have completed our city of Duluth tourism tax permitting process, permit number [REDACTED]. Our Minnesota tax identification number is [REDACTED]. Our federal tax identification number is [REDACTED].

We agree to keep a guest record showing the Interim Use Standard information.

Please see included documentation of our site plan.

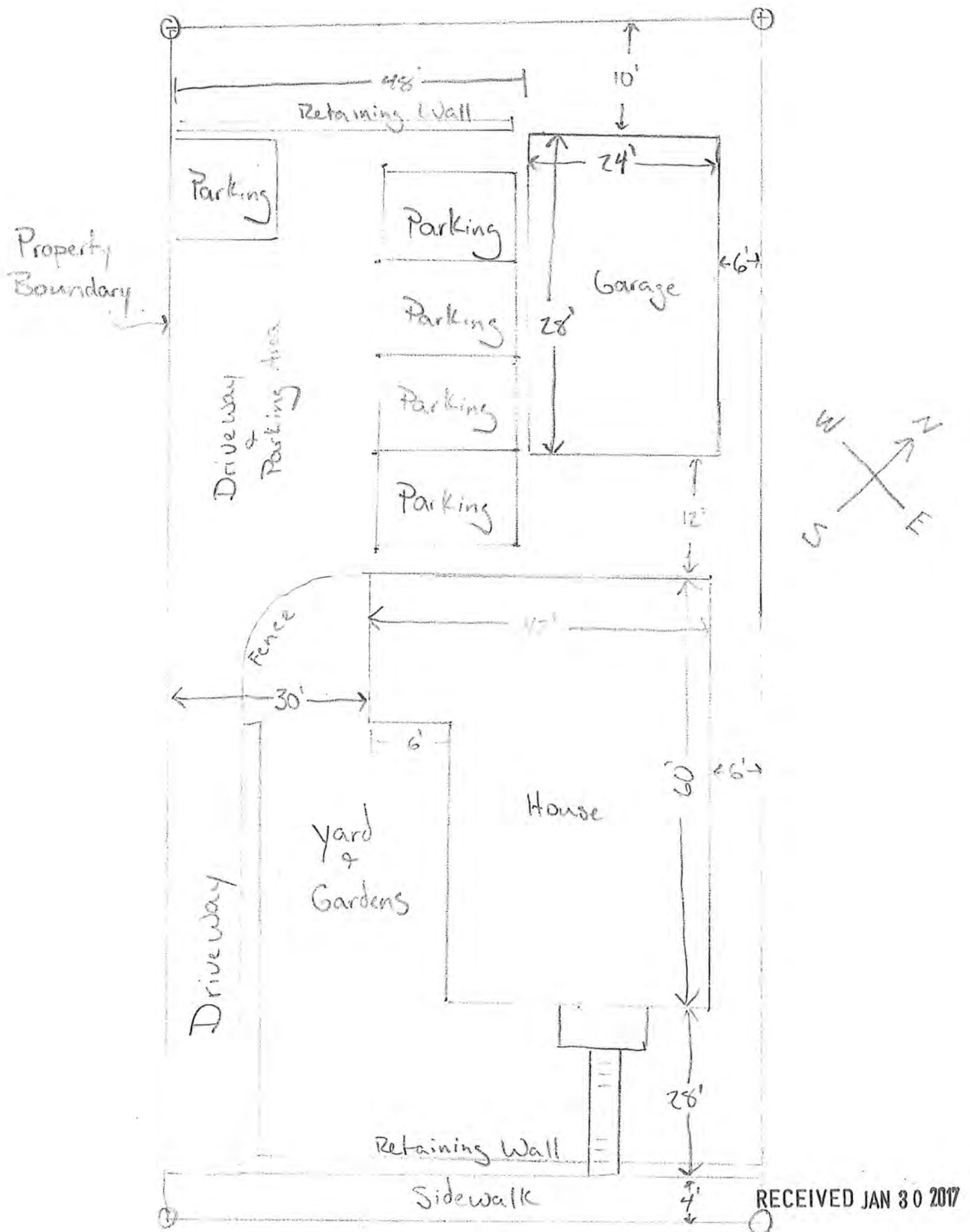
We, Brian and Crystal Jordan, are the managing agents, as listed on our application cover sheet, as we live fewer than 25 miles away from the property. Brian has been the managing agent for this property since Jeff & Anna Latz first purchase it.

RECEIVED JAN 30 2017

We have included the welcome page that is emailed to each guest upon reservation and is also posted in the rental unit. It includes a welcome message, our contact information, the maximum number of guests allowed at the property, parking information, rules about house use and noise.

Upon receiving our permit, we will post the permit number on all advertisements.

RECEIVED JAN 30 2017



1621 E Superior St. Site Plan



City Planning

PL 17-019: IUP
1621 E. Superior St.

Legend

Zoning Boundaries



Zoning Boundaries

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

Gas Distribution Main



8" - 16" Gas Pipes



4" - 6" Gas Pipes



0" - 4" Gas Pipes

Storm Sewer Collection System

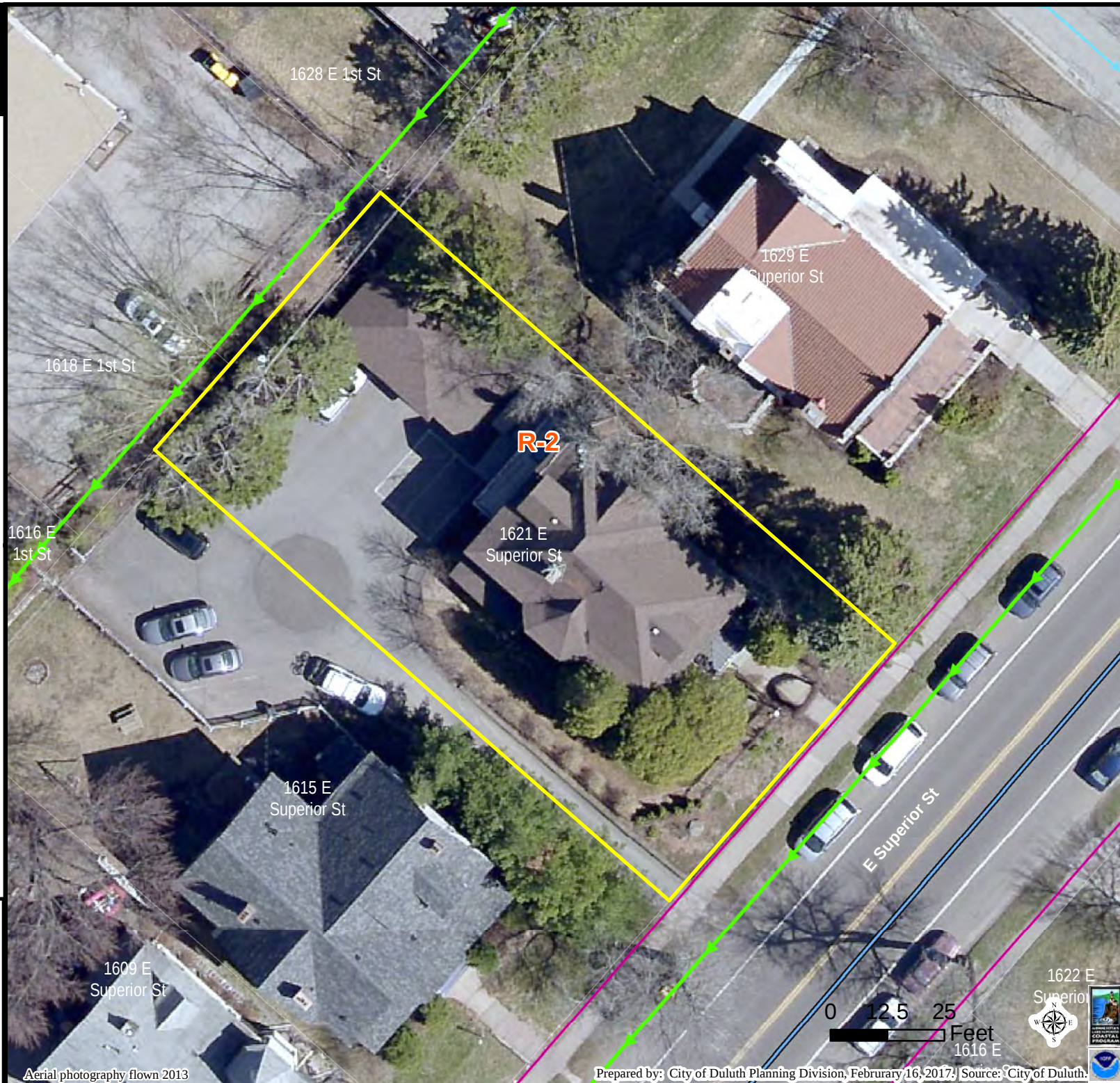


Storm Sewer Pipe



Storm Sewer Catch Basin

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Aerial photography flown 2013

Prepared by: City of Duluth Planning Division, February 16, 2017; Source: City of Duluth.



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