



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PL 20-088	Contact	Chris Lee, cleee@duluthmn.gov	
Type	Interim Use Permit– Vacation Dwelling Unit in Form District	Planning Commission Date		July 14, 2020
Deadline for Action	Application Date	June 8, 2020	60 Days	August 7, 2020
	Date Extension Letter Mailed	June 25, 2020	120 Days	October 6, 2020
Location of Subject		120 East Superior Street, Floor 3		
Applicant	Cool & Kocon Real Estate Holding LLC	Contact	info@splitrocktrading.com	
Agent	Tyler Kocon	Contact	tkocon@splitrocktrading.com	
Legal Description		PID # 010-0173-00040		
Site Visit Date		July 1, 2020	Sign Notice Date	June 30, 2020
Neighbor Letter Date		June 30, 2020	Number of Letters Sent	30

Proposal

Applicant is proposing a new interim use permit for a vacation dwelling unit. The permit would be good for a 4-bedroom condominium with 10 occupants. This property is located in a form district and is exempt from the cap of 60 vacation dwelling units in other zone districts.

Staff is recommending Planning Commission recommend approval.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-7	Mixed Use Building	Central Business Primary
North	F-7	Parking Ramp	Central Business Primary
South	F-7	Park	Open Space
East	F-7	Mixed Use Building	Central Business Primary
West	F-7	Mixed Use Building	Central Business Primary

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the F-7 zone district.

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;
2. The applicant agrees to sign a development agreement with the city.



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Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):

Governing Principle #5 - Strengthen neighborhoods

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 Primary: Encompasses a broad range of uses and intensities including but not limited to - governmental campus, significant retail, entertainment and lodging, opportunities for high-density housing, central plaza, public/ open space, and public parking facilities.

Current History: The property currently is a mixed-use building. The ground floor contains a brewery and taproom. The upper floors contain an office space and dwelling units.

Review and Discussion Items:

- 1) Applicant's property is located at 120 East Superior Street. The proposed vacation dwelling unit contains 4 bedrooms that would allow for a maximum of 10 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. The applicants have listed themselves to serve as the managing agent.
- 3) The site is not required to provide parking. A parking option will be in the HART ramp across Superior Street. Campers and trailers will not be allowed.
- 4) The site does have a rooftop deck as an amenity. These are screened from the neighboring properties via walls.
- 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) Applicant has applied for all relevant permits and licenses and these are contingent upon approval of the Interim Use Permit for a Vacation Dwelling Unit.
- 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.



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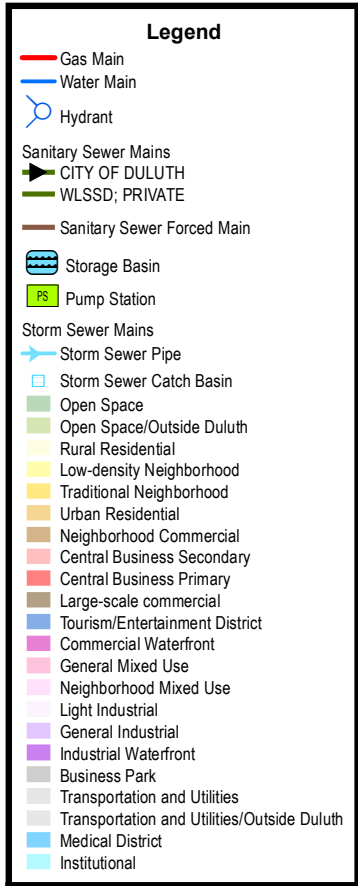
Staff Recommendation:

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

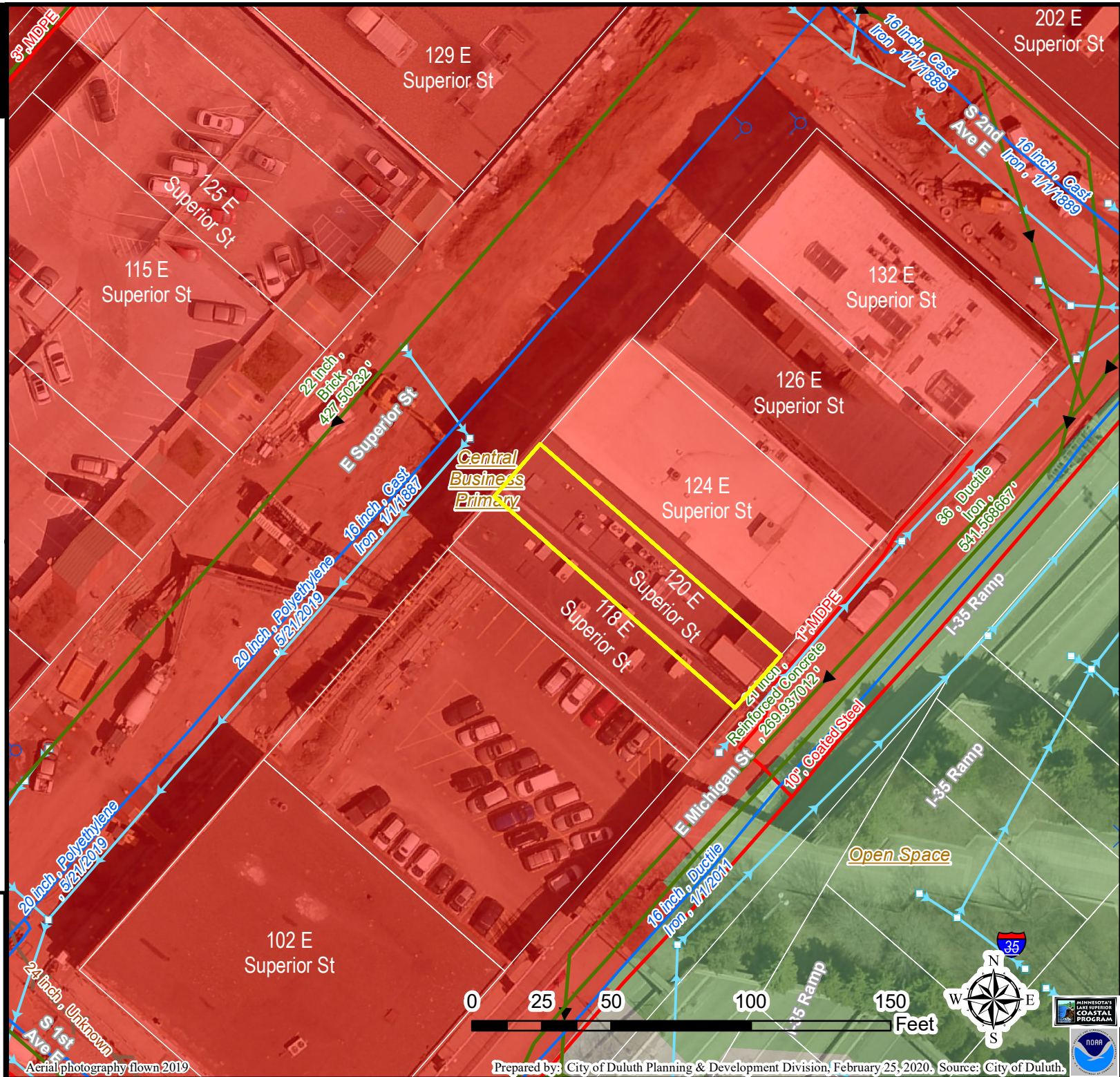
- 1) The Interim Use Permit shall not be effective until the applicant has received all required licenses and permits for operation.
- 2) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.
- 3) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50



PL 20-088
IUP for Vacation Rental



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PL 20-088 IUP
Zoning Map



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Aerial photography flown 2019

Prepared by: City of Duluth Planning & Development Division, February 25, 2020. Source: City of Duluth.

HART District
Parking Ramp
This will be used for our guests

Superior St.

Superior St.

120 E
Sup. St.

Sheldon

Rathskeller

Access North

Rotho Deck

Rotho room

Parking lot

not for our use

120 E
Sup. St.

lake
Sup.

lake
Sup.

120 E SUPERIOR ST DULUTH MN

PENTHOUSE FITOUT

SPLIT ROCK PROPERTIES

CODE REVIEW

MULTI STORY RESIDENTIAL UNIT: ON 4TH FLOOR. 'R3'
LOWER FLOORS BUSINESS: 'B'

ZONING - NO ISSUES (NO CHANGES TO HISTORIC SUPERIOR ST FACADE)

BUILDING CODE

1. EXISTING '3B' STRUCTURE BROUGHT UP TO CODE 2016-2018.
2. BUILDING FULLY SPRINKLERED TO COMMERCIAL STANDARDS NFPA 13.
3. RESIDENTIAL UNIT TO '3B' STANDARDS, EXCEPT FOR INTERIOR PARTITION WALLS AND EXITING.
4. EXISTING AREA ON 4TH FLOOR: 2925 SF.
5. NEW SUNROOM ON ROOF DECK: 222 SF.
6. WALL AND OPENING DETAILS on sht. 2.
7. NEW 2HR EXTERIOR WALLS DESIGNED TO 'BREATHE' TO OUTSIDE AIR.
8. DECKING: ALUMINUM SEMI-WATERPROOF. see sht. 4.
9. SPIRAL STAIR - SHOP DRAWINGS WILL BE SUBMITTED -SEE SHT 7 FOR CODE REQUIREMENTS.

4/2/2018

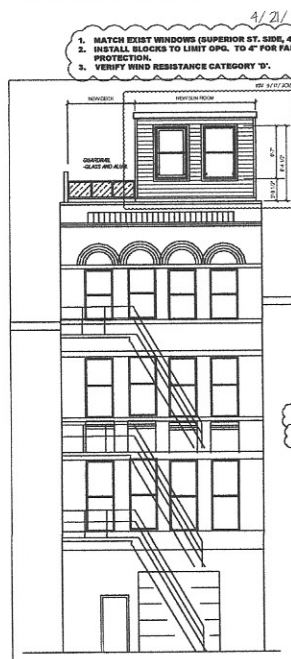
100% Vertical continuity.
Fire walls shall extend from the foundation to a termination point at least 30 inches (762 mm) above both adjacent roofs.

Exceptions:

1. Designed to comply with fire-resistance rating with Section 706.5.1.
2. Two-hour fire-resistance-rated walls shall be permitted to terminate at the underside of the roof sheathing, deck or slab, provided:
 - 2.1. The lower roof assembly within 4 feet (1220 mm) of the wall has not less than a 1-hour fire-resistance rating and the entire length and span of supporting elements for the rated roof assembly has a fire-resistance rating of not less than 1 hour.

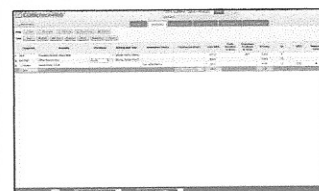
NEW 2 hr WALL AT EAST PROPERTY LINE

1. 2 HR RATING MAINTAINED.
2. SPECIAL CARE IS BEING TAKEN TO AVOID WORK ON NEIGHBOR'S PROPERTY (across parapet).
3. NEW EAST WALL IS ATTACHED TO EXISTING MASONRY PARTY WALL, WITH THE REMAINDER OF THE ADDITION DESIGNED AS A 'TEAR AWAY' IN CASE OF TOTAL FIRE ON PROPERTY.
4. SEE DETAILS ON SHT. 4.



MICHIGAN ST. ELEVATION
no changes below roof line

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COMCHECK - SUNROOM ON ROOF DECK
NOVED TO SHT 5 4/2/2018

LIST OF SHEETS:

NOTE: SPECIFICATIONS ON DRAWINGS

0. COVER, CODE REVIEW REV 5/4/18
1. 4TH FLOOR PLANS REV 5/4/18
2. ROOF PLAN FLOOR 3 STAIR REV 5/4/18
3. LONGITUDINAL SECTION
4. CROSS SECTION
5. CROSS SECTION AT SUNROOM 4/2/2018
6. ENERGY (REQUIREMENTS AND COMMENTARY)
7. REVIEW RESPONSE 18-0516

ADDED 5/17/2018

DRAWINGS BY OTHERS

STRUCTURAL Northland Consulting Engineers
1. ROOF PLAN, SECTIONS, SPECS

HVAC -IN BIDDING
-including review of fireplace flue

ADDED 5/17/2018

PLUMBING -IN BIDDING

ELECTRICAL -IN BIDDING

FIRE PROTECTION

-Summit Co

-drawings to be submitted before installation.

COVER

FOR PERMIT'S REV
MAY 17, 2018

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OF 7



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120 E SUPERIOR ST DULUTH
PENTHOUSE FITOUT
PROJ NAME MANAGER: TED STOCKE (218) 591-4580

EXPOSED ROOF DECK
-REMOVE CLG JOISTS
-SEE STRUCTURAL

EXPOSED ROOF DECK
-REMOVE CLG JOISTS
-SISTER ROOF JOISTS
-SEE STRUCTURAL

AREAS
CROSSED
OPEN TO
ABOVE

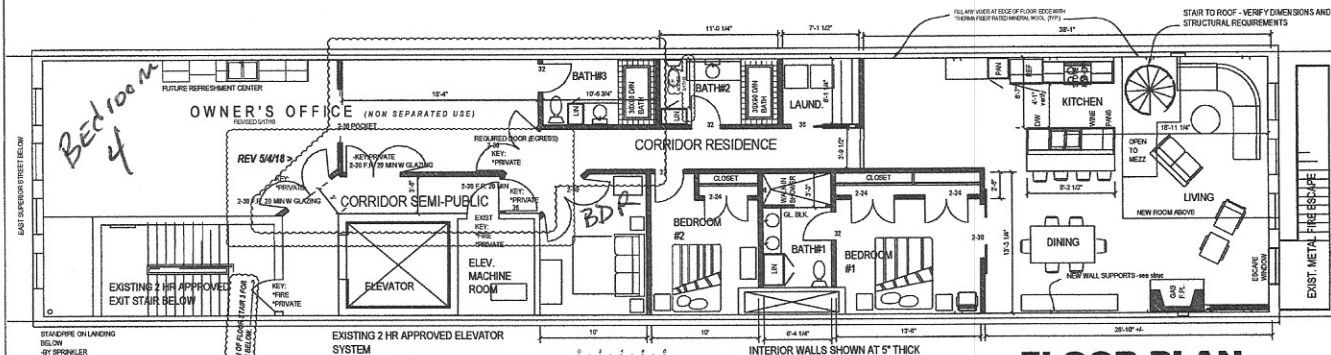
GYP CEILING-EXIST FRAMING

CORRIDOR SEMI-PUBLIC

N.A.C.

N.I.C.

REFLECTED CEILING PLAN



FLOOR PLAN 4TH FLOOR

FIRE RATED DOORS TO SEMI-PUBLIC CORRIDOR (F.R.)
-PER IBC 716.5.9 NO CLOSER NEEDED (RESIDENTIAL COMMON AREA)
-PER IBC 716.5.9.1 LATCH NEEDED TO HOLD DOOR SHUT (BOTH LEAVES)
-MUST INCLUDE LABEL (VERIFY SIZE AND LABEL WITH MANF.)

REV 5/17/16

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of the contractor and their subcontractors and suppliers.

FOR PERMITS REV
MAY 17, 2016

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**120 E SUPERIOR ST DULUTH
PENTHOUSE FITOUT**
PROJ NAME MANAGER: TED STOCKE (218) 591-4550



Street view of the upper floors



Aerial view of the roof top amenities