



**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 20-139	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date		October 13, 2020
Deadline for Action	Application Date	September 8, 2020	60 Days	November 7, 2020
	Date Extension Letter Mailed	September 22, 2020	120 Days	January 6, 2021
Location of Subject		5330 East Superior Street		
Applicant	Sarah and Seth Maxim	Contact		
Agent		Contact		
Legal Description		PID # 010-3060-00120		
Site Visit Date	October 2, 2020	Sign Notice Date		September 29, 2020
Neighbor Letter Date	September 28, 2020	Number of Letters Sent		55

**Proposal**

Applicant proposes use of a 2 bedroom apartment within the existing 7,150 square foot building as a vacation dwelling unit. The permit is good for a 2 bedroom home with 5 occupants.

Vacation dwelling units located in the F-2 Form District are exempt from minimum night stays and parking, and there is no cap on number of permits issued.

**Recommended Action:** Staff recommends that Planning Commission recommend approval.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	F-2	Vacant commercial building	Neighborhood Mixed Use
<b>North</b>	F-2	Dental office	Neighborhood Mixed Use
<b>South</b>	F-2	Single Family Dwelling	Neighborhood Mixed Use
<b>East</b>	F-2	Gas station	Neighborhood Mixed Use
<b>West</b>	F-2	Gas station	Neighborhood Mixed Use

**Summary of Code Requirements:**

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the F-2 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.
3. No more than



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60 permits may be issued for either vacation dwelling units or accessory vacation dwelling units. Permits issued for vacation dwelling units or accessory vacation dwelling units in any form district shall not be counted against the maximum number of permits that may be issued, 4. Except for properties within the Higher Education Overlay District as identified in 50-18.5, the minimum rental period and off-street parking requirements of 50-20.3.U and 50-20.5.M shall not apply for vacation dwelling units or accessory vacation dwelling units in form districts,

**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.

Applicant is proposing to provide another type of lodging product for visitors to the City of Duluth and surrounding area.

Future Land Use – Neighborhood Mixed Use: A transitional use between more intensive commercial uses and purely residential neighborhoods. Includes conversions of houses to office or live -workspaces. May include limited commercial only space oriented to neighborhood or specialty retail markets.

**History:** Building is 7,150 square feet in size and constructed in 1928. Most recent uses included an apartment, fitness and tanning center. The proposed use will occupy only a portion of the building.

**Review and Discussion Items:**

- 1) Applicant's property is located at 5530 East Superior Street. The proposed vacation dwelling is a 1,500 square foot 2 bedroom apartment within an existing commercial building that formerly was a fitness center and tanning salon. The 2-bedroom apartment would allow for a maximum of 5 guests.
- 2) Vacation dwelling units located in Form districts are exempt from number of interim use permits issued, minimum night stays and parking requirements. The applicant is proposing one parking space for the unit located on the southeast corner of the rear of the building.
- 3) The site plan depicts green space located on the northeast corner of the site. The proposed green space is located within the right of way for East Superior Street and would require the issuance of a concurrent use permit to use that area for outdoor space.
- 4) 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 applicant has listed themselves to serve as the managing agent, and meet the criteria.



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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) 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.

9) 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").

10) 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 shall adhere to the terms and conditions listed in the Interim Use Permit.
- 3) The applicant cannot use the green space in the Right of Way of East Superior Street as shown on their site plan.





# PL 20-139 & PL 20-140 Interim Use Permits - VDU

## Legend

- Gas Main
- Water Main
- Hydrant

## Sanitary Sewer Mains

- CITY OF DULUTH
- WLSSD; PRIVATE

- Sanitary Sewer Forced Main

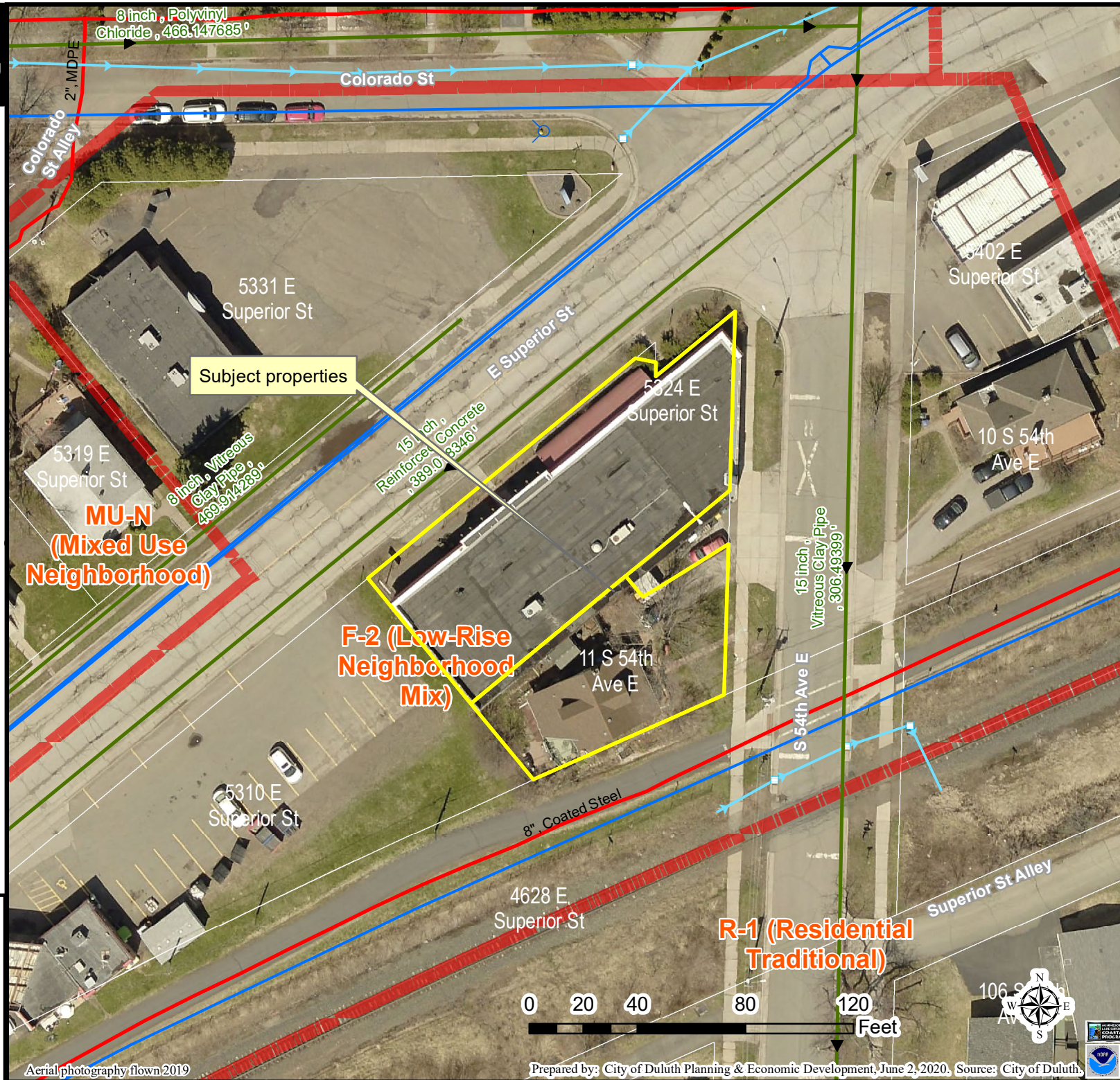
- Storage Basin
- Pump Station

## Storm Sewer Mains

- Storm Sewer Pipe
- Storm Sewer Catch Basin

- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)

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.





Outdoor Space  
 off Street parking  
 Garbage

5330 East Superior St  
 Duluth, MN 55804

