

Planning & Development Division

Planning & Economic Development Department

218-730-5580

planning@duluthmn.gov

Room 160 411 West First Street Duluth, Minnesota 55802

File Number	PL 20-166		Contact		John Kelley, jkelley@duluthmn.gov		
Туре	Interim Use Permit – Vacation Dwelling Unit		Planning Commission Date		December 8, 2020		
Deadline	Application Date		October 13, 2020		60 Days	December 12, 2020	
for Action	Date Extension Letter Mailed		November , 2020		120 Days	February 10, 2021	
Location of Subject		621 West 5 th Street					
Applicant	Benjamin Klismith		Contact				
Agent			Contact				
Legal Description		PID # 010-1290-01000, 010-1290-00980, 010-1290-01080					
Site Visit Date		November 25, 2020	Sign Notice Date			November 24 , 2020	
Neighbor Letter Date		September 28, 2020	Number of Letters Sent		<u>40</u>		

Proposal

Applicant proposes use of an 8 bedroom single-family dwelling unit as a vacation dwelling unit. The permit will allow for 17 occupants.

Recommended Action: Staff recommends that Planning Commission recommend approval.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Single Family Dwelling	Traditional Neighborhood
North	R-2	Undeveloped	Traditional Neighborhood
South	R-1	Single Family Dwelling	Traditional Neighborhood
East	R-2	Single Family Dwelling	Traditional Neighborhood
West	R-1	Single Family Dwelling	Traditional Neighborhood

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 60 permits may be issued for either vacation dwelling units or accessory vacation dwelling units. Permits issued for vacation dwelling units in any form district shall not be counted against the maximum



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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 – 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: Dwelling unit is 4,631 square feet in size and constructed in 1917.

Review and Discussion Items:

1) Mr. Klismith is an eligible applicant on the list of potential applicants for an Interim Use Permit (IUP) in an R-1 zone district. This IUP will not increase the cap of 60 permits and is an eligible application due to another permittee having an expired permit and not wanting to renew. Applicant's property is located at 621 West 5th Street. The proposed vacation dwelling is a 4,631 square foot 8 bedroom 2 story home. The 8-bed room house would allow for a maximum of 17 guests.

2) A vacation dwelling unit with 4+ bedrooms is required to provide the number of spaces equal to the number of bedrooms minus one. The property has a large parking area in the rear yard area and a large garage to accommodate the onsite parking. The applicant is proposing to provide 8 parking spaces with one accessible space and RV parking in the garage. The parking area will be accessed via West 6th Street.

3) The site plan depicts a patio in the backyard. The applicant is not proposing any outdoor amenities such as a hot tub or fire pit, but will allow occasional outdoor games in the backyard. The backyard area is screened from the adjacent property with a 6 –foot tall chain link fence covered with vines along the western property line. Staff believes this is sufficient screening to mitigate impacts to the adjacent property.

4) Permit holders must designate a managing agent or local contact who resides with 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



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property boundary. The applicant has listed Justen Janssen to serve as the managing agent, and meet the criteria.

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.





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Aerial photography flown 2019









