



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 21-028	Contact	Kyle Deming, kdeming@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date		April 13, 2021
Deadline for Action	Application Date	March 9, 2021	60 Days	May 8, 2021
	Date Extension Letter Mailed	March 24, 2021	120 Days	July 7, 2021
Location of Subject		4931 E. Superior St. (Lakeside-Lester Park)		
Applicant	Endion Land Co. LLC	Contact		
Agent	Heirloom Property Management	Contact	Michael Schraepfer	
Legal Description		Lots 7 and 8, except RY R of Way, Block 70, London Addition (PID 010-3030-00100)		
Site Visit Date		March 31, 2021	Sign Notice Date	March 30, 2021
Neighbor Letter Date		April 1, 2021	Number of Letters Sent	19

Proposal

Applicant proposes to use a three-bedroom home as a vacation dwelling unit with no off-street parking, with a maximum of 7 occupants. The proposed vacation dwelling is located in the F-2 Form District.

Recommended Action: Staff recommends that Planning Commission recommend approval.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-2 Low-Rise Neighborhood Mix	Residential	Traditional Neighborhood
North	P-1 Park	Park	Open Space
South	R-1	Superior St. and trail	Traditional Neighborhood
East	MU-N	Residential	Traditional Neighborhood
West	F-2 Low-Rise Neighborhood Mix	Residential and church	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 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. Project is a reuse of a dwelling in a commercial corridor (zoned F-2) for a tourism-oriented use. The surrounding area include a church, businesses, a park and dwellings.

- 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 structure was built in 1911.

Review and Discussion Items:

1. Applicant's property most recently was an office related to the neighboring St. Michael's Church. Originally, it was a three-bedroom house.
2. Applicant is proposing a 3-bedrom vacation dwelling unit allowing up to 7 guests for stays of a minimum of 2 nights.
3. There are no off-street parking spaces on the applicant's 4,897 sq. ft. property and none are required due to the F-2 zoning of the property. The applicant finds the available on-street parking sufficient due to the park occupying the entire block across the street rather than homes that would compete for on-street parking spaces.
4. Applicant has indicated guests will not bring campers or trailers to the property.
5. As there is limited yard space and only a small balcony on the Pitt St. side of the house, the applicant does not expect much use of the property's exterior spaces. No exterior amenities are to be provided except additional landscaping shown on the attached Landscape Screening Plan.
6. Applicant has indicated that Heirloom Property Management will manage the property and that they will contact the owners of all properties within 100 feet of the subject property to provide the manager's contact info. Applicant has begun the process of talking with these landowners.
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 must comply with items listed in the Vacation Dwelling Unit Worksheet (included with staff report) and provide to guests information about City rules found on the handout provided to the applicant titled "Selected City Ordinances on Parking, Parks, Pets, and Noise."
9. 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 to the City Council approval subject to the following:

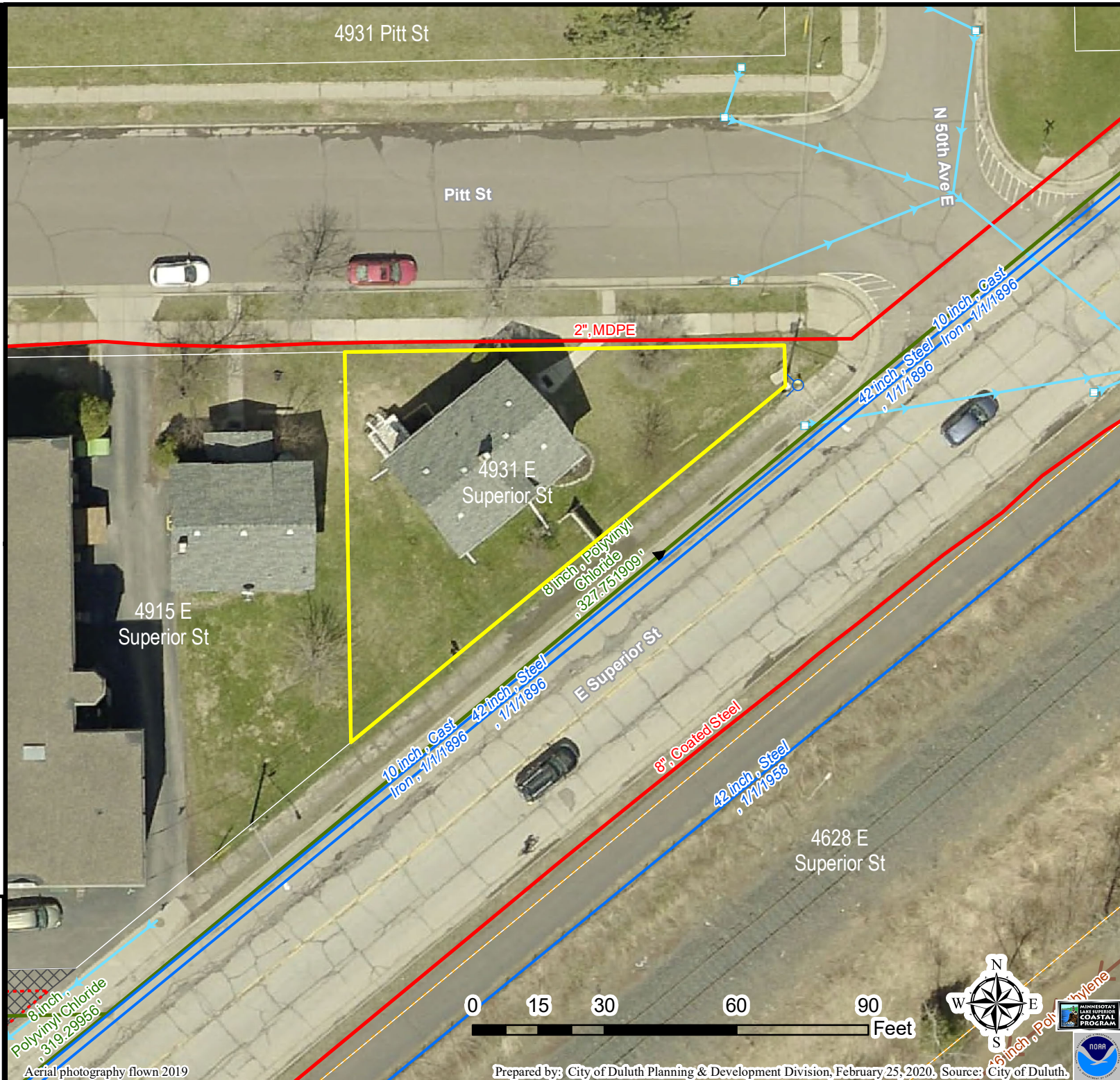
1. The Interim Use Permit shall not be effective until the applicant has obtained all required licenses and permits for operation.
2. The applicant install the landscaping shown on the Landscape Screening Plan.
3. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission review; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PL 21-028
Interim Use Permit
4931 E Superior St

Legend

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains
 - CITY OF DULUTH
 - WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- PS Pump Station
- Storm Sewer Mains
 - Storm Sewer Pipe
 - Storm Sewer Catch Basin
 - Vacated ROW
- Easement Type
 - Utility Easement
 - Other Easement



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.

Aerial photography flown 2019

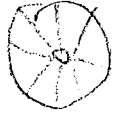
Prepared by: City of Duluth Planning & Development Division, February 25, 2020. Source: City of Duluth.



Landscape Screening Plan - 4931 E Superior St., Duluth MN



Landscape Shrub



Landscape Tree

PLAT NAME: LONDON
ADDITION TO DULUTH

BLOCK: 070

DESCRIPTION: LOTS 7 AND 8
EX RY R OF WAY

ZONING: F-2

PITT STREET

101'-2"

REGRADE AND POUR
NEW SIDEWALK TO
APPROACH FRONT
STOOP

EXISTING
SIDEWALK

NEW
FRONT
STOOP

4931 E. SUPERIOR STREET

4924 PITT STREET

90'-3"

N

129'-4"

E. SUPERIOR STREET

1 SITE PLAN
1" = 20'-0"

Vacation Dwelling Unit Worksheet (September 2020)

1. The minimum rental period shall be not less than two consecutive nights (does not apply to Form districts). **What will be your minimum rental period?** 2 nights

2. The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two.

How many legal bedrooms are in the dwelling? What will be your maximum occupancy?

3 7

3. Off-street parking shall be provided at the following rate:

a. 1-2 bedroom unit, 1 space

b. 3 bedroom unit, 2 spaces

c. 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.

d. Vacation dwelling units licensed on May 15, 2016, are entitled to continue operating under the former off-street parking requirement. The parking exemption for vacation dwelling units licensed on May 15, 2016, expires upon transfer of any ownership interest in the permitted property.

→ ☒ e. Form districts are not required to provide parking spaces.

How many off-street parking spaces will your unit provide? 0 In Form District.

4. Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at the site, on or off the street. **Will you allow motorhome or trailer parking? If so, where?** No

5. The property owner must provide required documents and adhere to additional requirements listed in the City of Duluth's UDC Application Manual related to the keeping of a guest record, designating and disclosing a local contact, property use rules, taxation, and interim use permit violations procedures.

6. The property owner must provide a site plan, drawn to scale, showing parking and driveways, all structures and outdoor recreational areas that guests will be allowed to use, including, but not limited to, deck/patio, barbeque grill, recreational fire, pool, hot tub, or sauna, and provide detail concerning the provision of any dense urban screen that may be required to buffer these areas from adjoining properties. Please note that this must be on 8 x 11 size paper.

7. The interim use permit shall expire upon change in ownership of the property or in six years, whichever occurs first. An owner of a vacation dwelling unit permitted prior to May 15, 2016, may request, and the land use supervisor may grant, an application for adjustment of an existing permit to conform to this section, as amended, for the remainder of the permit term.

8. Permit holder must keep a guest record including the name, address, phone number, and vehicle (and trailer) license plate information for all guests and must provide a report to the City upon 48 hours' notice. **Please explain how and where you will**

keep your guest record (log book, excel spreadsheet, etc):

Our property management software keeps this log.

9. Permit holder 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 any complaints from neighbors or the City. The permit holder must notify the Land Use Supervisor within 10 days of a change in the managing agent or local contact's contact information.

Please provide the name and contact information for your local contact:

Heirloom Property Management 218-390-4317

10. Permit holder must disclose in writing to their guests the following rules and regulations:

- a. The managing agent or local contact's name, address, and phone number;
- b. The maximum number of guests allowed at the property;
- c. The maximum number of vehicles, recreational vehicles, and trailers allowed at the property and where they are to be parked;
- d. Property rules related to use of exterior features of the property, such as decks, patios, grills, recreational fires, pools, hot tubs, saunas and other outdoor recreational facilities;
- e. Applicable sections of City ordinances governing noise, parks, parking and pets;

Please state where and how this information will be provided to your guests:

This will be advertised in marketing, communicated to all guests, and available onsite in a booklet.

11. Permit holder must post their permit number on all print, poster or web advertisements. Do you agree to include the permit number on all advertisements? Yes!

12. Prior to rental, permit holder must provide the name, address, and phone number for the managing agent or local contact to all property owners within 100' of the property boundary; submit a copy of this letter to the Planning and Community Development office. In addition, note that permit holder must notify neighboring properties within 10 days of a change in the managing agent or local contact's contact information.