

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

13-0148R

RESOLUTION GRANTING AN INTERIM USE PERMIT FOR TWO
VACATION DWELLING UNITS AT 1621 EAST SUPERIOR STREET
(JEFF LATZ, DBA LATZ PROPERTIES).

CITY PROPOSAL:

RESOLVED, that:

(a) The city council hereby grants Jeff Latz and Latz Properties an interim use permit to operate two vacation dwelling units located at 1621 East Superior Street and as described by the following:

Lot 11 and east half of Lot 12, Block 59, Endion Division (PID 010-1480-01440); and

(b) Minnesota Statutes Section 462.3597 authorizes the city to issue an interim use permit that allows a use to exist until a specified date or until an amendment to this chapter authorizes or prohibits that use; and

(c) The city council finds that a time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use at this location; and

(d) The interim use permit shall remain in effect for up to six years following the effective date of this resolution, or until there is a change in ownership of the property, whichever occurs first; and

(e) Pursuant to Section 50-20.3.V and Section 50-37.10 of the Duluth City Code, 1959, as amended, the applicant applied for an interim use permit and the application was duly referred to the city planning commission (PL13-016); the commission gave due notice of public hearing and considered the application during a public hearing occurring on March 12, 2013; and

(f) The city planning commission, at their regular meeting on March 12, 2013, considered the application's consistency with the use specific standards for vacation dwelling units and the criteria for granting interim use permits and voted to recommend approval of an interim use permit for two vacation dwelling units subject to the conditions listed below.

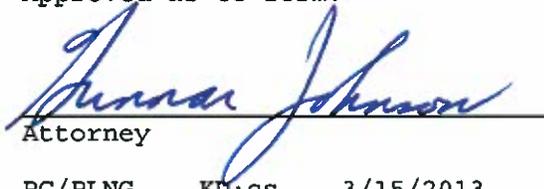
FURTHER RESOLVED, that an interim use permit for the subject property, is

approved subject to the following conditions:

(a) The interim use permit shall not be effective until the applicant provides documentation that all of the required modifications to the building have been made to comply with the Building Code; and

(b) The applicant adhere to the terms and conditions listed in the interim use permit document and any modifications to the document that may be deemed necessary by the land use supervisor provided that no such administrative approval shall constitute a variance from the provisions of Chapter 50.

Approved as to form:


Attorney

PC/PLNG KD:cs 3/15/2013

STATEMENT OF PURPOSE: This resolution grants an interim use permit Jeff Latz for two vacation dwelling units at 1621 East Superior Street. The applicant's property is a four-unit structure and the proposal is to convert two of the units into vacation dwelling units (one two-bedroom unit and one one-bedroom unit).

The applicant's proposal meets the use specific criteria for vacation dwelling units. The site has five off-street parking stalls exceeding the requirement for four stalls (one for each dwelling unit).

On March 12, 2013, the city planning commission held a public hearing on the proposal, heard testimony from citizens, and voted 9 yeas, 0 nays, and 0 abstentions, with 0 commissioners absent, to recommend that the city council approve the interim use permit with the condition that the site be brought into compliance with the Building Code.

This interim use permit will remain in effect for six years or until the property changes hands, whichever occurs first.

Request filed: January 23, 2013

Action deadline: May 23, 2013



CITY OF DULUTH
Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
Phone: 218/730.5580 Fax: 218/723-3559

STAFF REPORT

File Number	PL13-016	Contact	Kyle Deming, kdeming@duluthmn.gov	
Application Type	Interim Use Permit	Planning Commission Date	March 12, 2013	
Deadline for Action	Application Date	January 23, 2013	60 Days	March 24, 2013
	Date Extension Letter Mailed	February 21, 2013	120 Days	May 23, 2013
Location of Subject	1621 E. Superior St. (East Hillside)			
Applicant	Jeff Latz dba Latz Properties	Contact	jefflatz@hotmail.com, 218-663-7324	
Agent	Same	Contact		
Legal Description	Parcel I.D. #010-1480-01440			
Site Visit Date	February 27, 2013	Sign Notice Date	February 21, 2013	
Neighbor Letter Date	February 22, 2013	Number of Letters Sent	47	

Proposal

Interim Use Permit for two (2) Vacation Dwelling Units consisting of 1 - two-bedrooms unit and 1 - one-bedroom unit in an existing four (4) family dwelling.

	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	2-family dwelling	Urban Residential

Summary of Code Requirements (reference section with a brief description):

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 met.
 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.

1-3

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

Governing Principle #8 - Encourage mix of activities, uses, and densities
Governing Principle #5 - Strengthen neighborhoods

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 and neighborhood extensions, and new traditional neighborhood areas.

- 4-8 units/acre
- Form standards and conservation development an option
- Mix of housing types (i.e. town homes and 4-plexes) at corners
- Limited commercial uses (i.e., 'corner store') serving neighborhood market

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

Staff finds that:

- 1.) The applicant has submitted the required materials and agency approvals;
- 2.) The applicant is working with an architect to determine if the Building Code will require any modifications to the property due to the conversion of two dwelling units from regular rental to vacation rental uses. Staff recommends a condition of approval be that all required building modifications be made before the Interim Use Permit is in effect;
- 3.) 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;
- 4.) The applicant has a managing agent who lives within the required 25 mile distance. The applicant has notified all owners within 100 feet;
- 5.) A time limit on this Interim Use is needed to verify that the Vacation Dwelling Units at this location can function without negative impacts on surrounding residential uses thereby causing damage to the public's health, safety and welfare.

Staff Recommendation (Include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, staff recommends the Commission recommend approval of the Interim Use Permit subject to the following conditions:

- 1.) The Interim Use Permit shall not be in effect until the applicant provides documentation that all of the required modifications to the building have been made to comply with the Building Code.

E-2

Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)

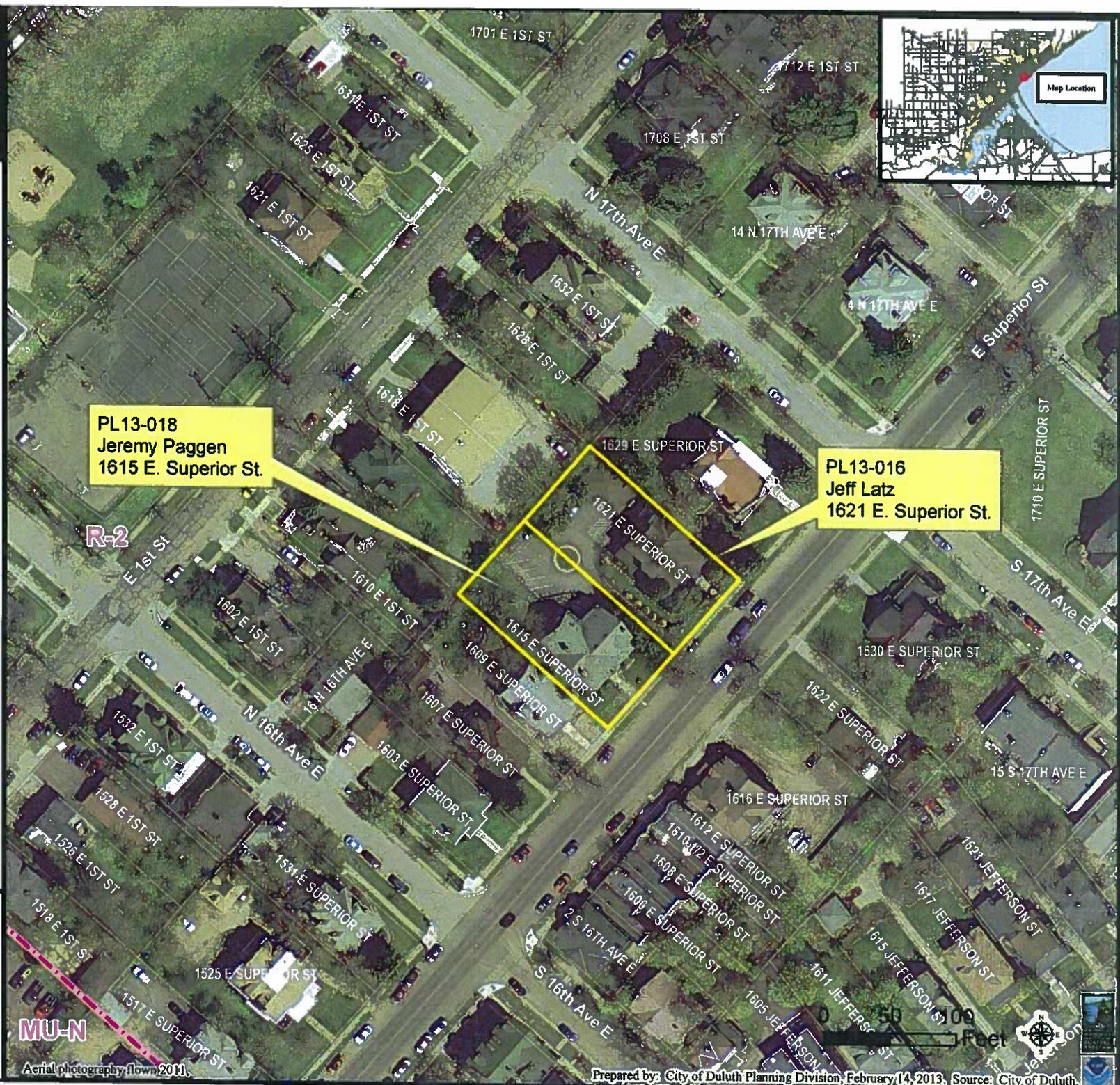


City Planning

PL13-016 & PL13-018

Vacation Dwelling Unit Interim Use Permits

1621 East Superior St.: Jeff Latz
1615 E. Superior St.: Jeremy Paggan



PL13-018
Jeremy Paggan
1615 E. Superior St.

PL13-016
Jeff Latz
1621 E. Superior St.

Legend

 Zoning (Final)

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.

MU-N

Aerial photography flown 2011.



City Planning

PL13-016 & PL13-018
 Vacation Dwelling Unit Interim Use
 Permits
 1621 East Superior St.: Jeff Latz
 1615 E. Superior St.: Jeremy Paggan

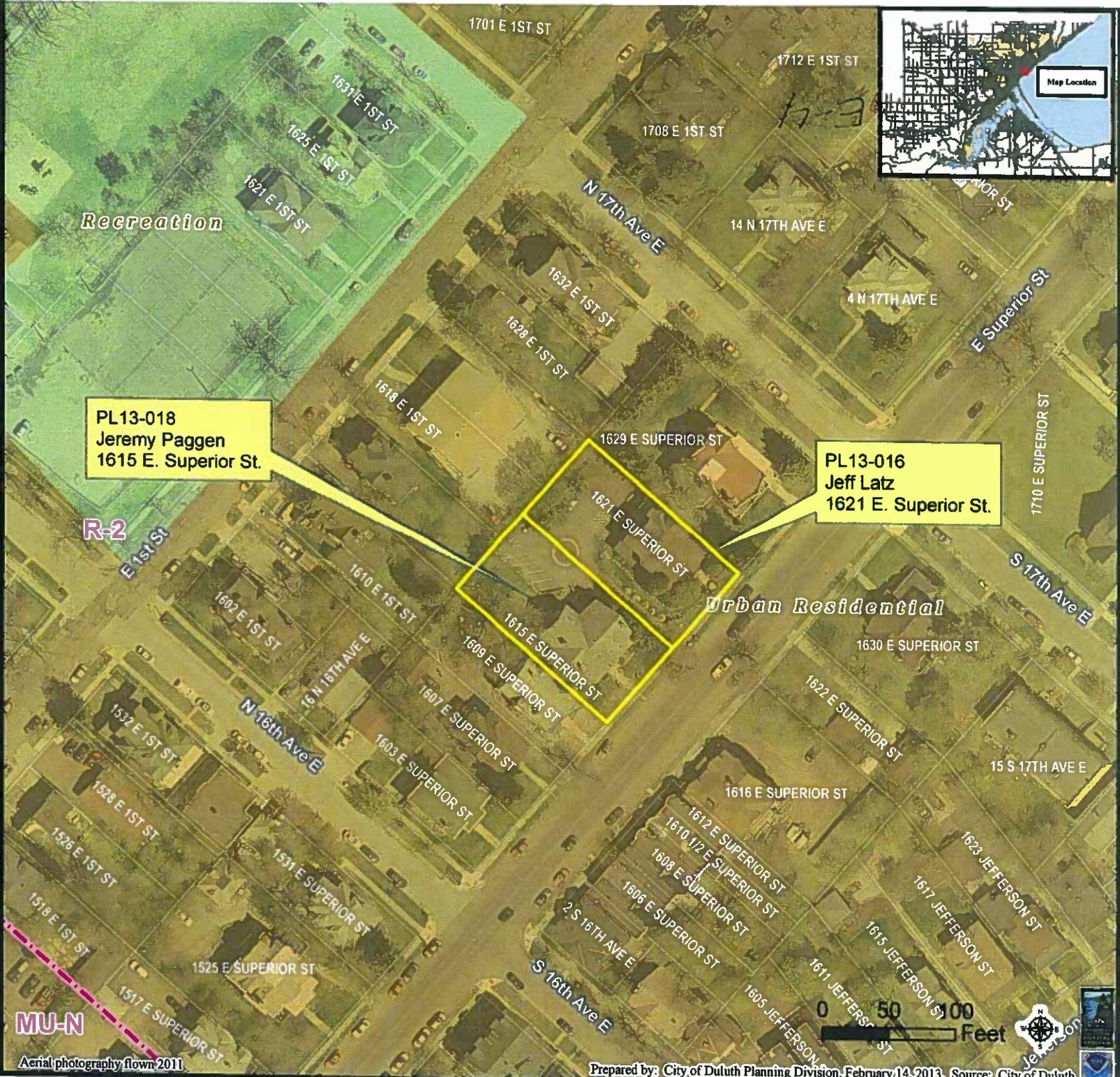
Legend

Zoning (Final)

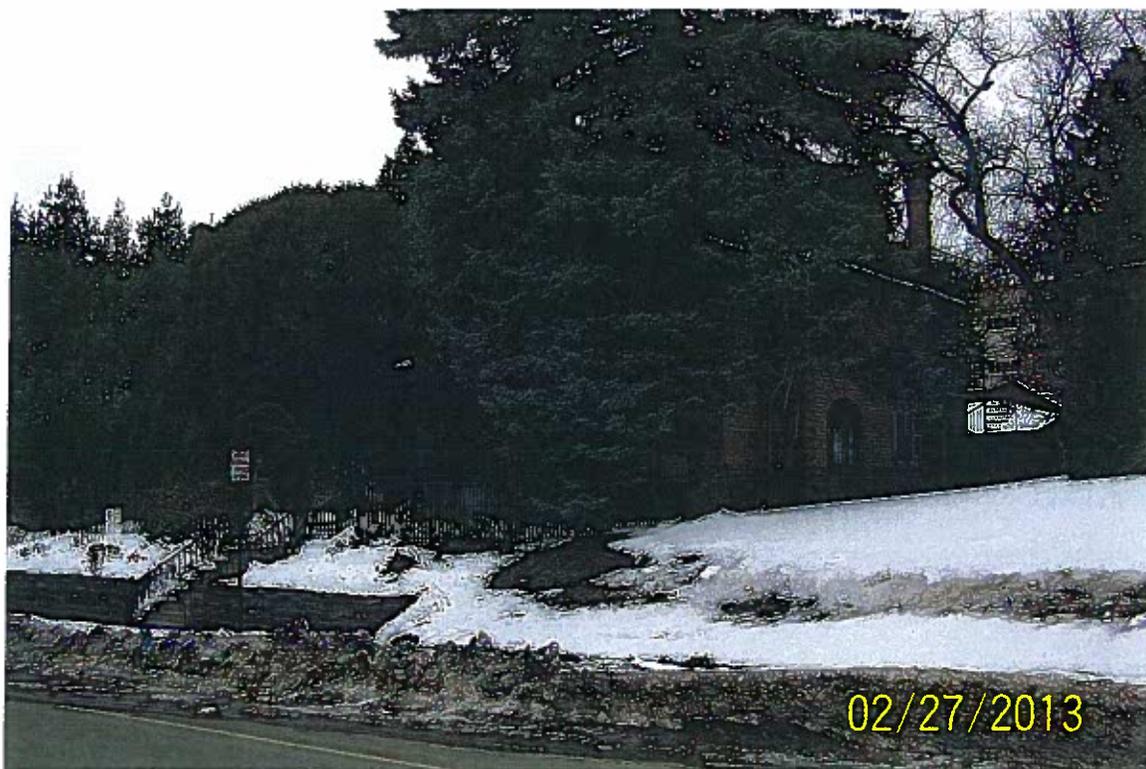
Future Land Use

- Preservation
- Recreation
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Neighborhood Mixed Use
- General Mixed Use
- Central Business Secondary
- Central Business Primary
- Auto Oriented Commercial
- Large-scale Commercial
- Business Park
- Tourism/Entertainment District
- Medical District
- Institutional
- Commercial Waterfront
- Industrial Waterfront
- Light Industrial
- General Industrial
- Transportation and Utilities
- Sensitive Lands Overlay

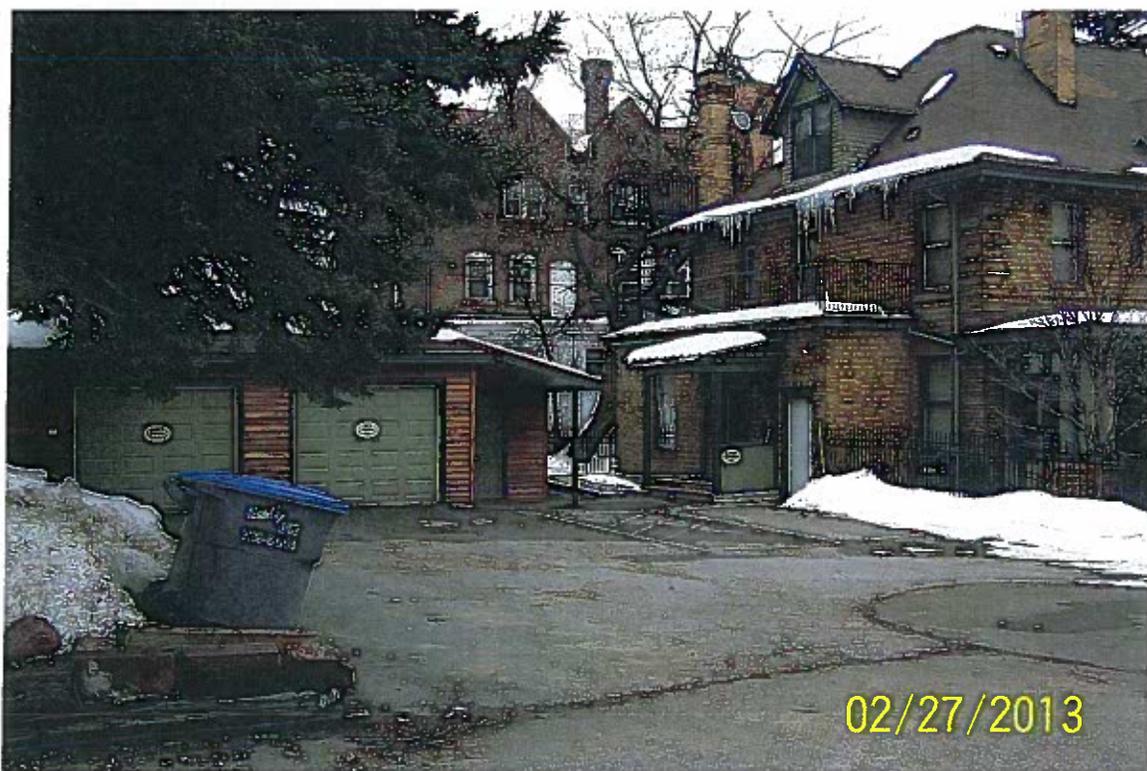
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used 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 2011



1621 E. Superior St.



1621 E. Superior St. - rear parking

E-5



1621 E. Superior St. - driveway shared with 1615 E. Superior St.

E-6

City of Duluth Planning Division

January 15, 2013

In early 2010 my wife and I applied for a motel license for our property at 1621 E Superior St. in order to change one unit of four from monthly to short term rental. We met with city planners along with our hired architect to formulate the plan going forward. This was all accomplished by late 2010 when we submitted the applications for city and state approval and received the appropriate licenses.

Today, I submit our plan to comply with recently enacted ordinances regarding vacation rental properties. At this time we would like to add an additional unit within the building to be used for rentals for 3-21 days. This unit is located on the second floor and is a one bedroom unit of approximately 1000 sq ft.

To comply with the Interim Use Standard we agree to comply with the nightly minimum standards as stated.

As a two bedroom unit, our maximum occupancy is four people, and our one bedroom unit has a maximum occupancy of two people,

We provide two off-street parking spaces for the two bedroom unit and one space for the one bedroom unit (see site map),

We do not allow motorhomes or trailers in our off street parking areas,

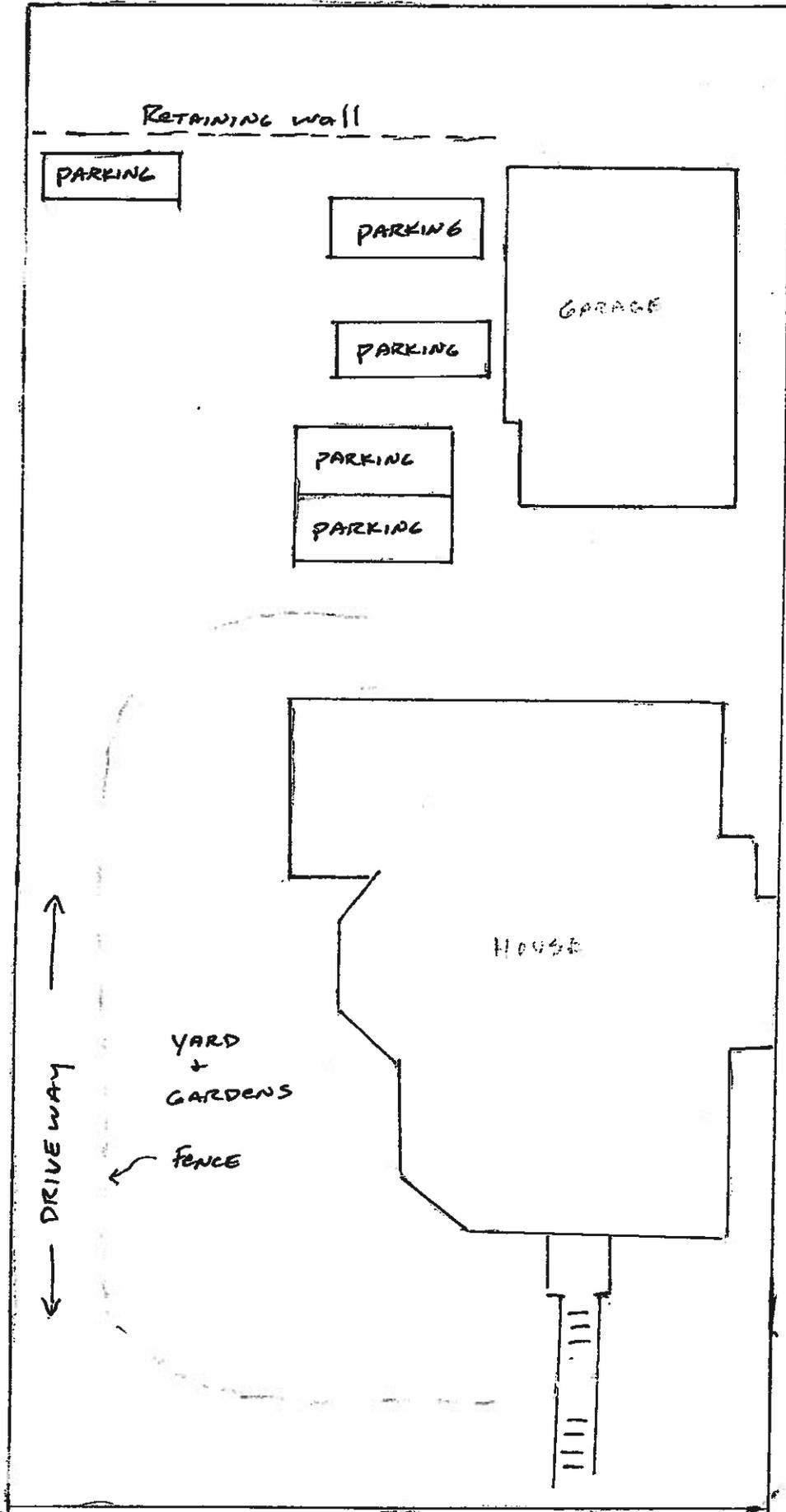
We agree to keep a guest record showing the Interim Use Standard information.

Our managing agent is listed on our application cover sheet. We have also contacted all building owners within 100 ft of our property with this same information. I have included the list of property owners having received this notice along with a copy of the notice and an aerial map of how I determined the properties to be contacted.

I have also included the narrative which is emailed to each guest upon each reservation and is also posted in the rental unit upon their arrival. It includes a welcome message, rules about house use, noise, parking, and contact information.

E-7

1621 E SUPERIOR ST SITE PLAN



PROPERTY BOUNDARIES

Wrought iron fence along entire property line

E-8

Superior St.

RECEIVED JAN 23 2013

Welcome to 1621 Manor

Here is a key to both front and back doors. You may use the *keyless entry* or these keys. ***Please take the keys with in the event the keyless entry malfunctions.*** The front door requires a key. When you checkout please leave this key on the kitchen counter and use the lock symbol on the keyless pad to lock the door.

Your keyless code is:

Your reserved parking area is the space next to the building identified with the ***Guest Parking*** sign. You may use this double space. Please do not park anywhere else in the off-street area.

The front entry is a common area for upstairs guests as well. Please respect everyone's peace and privacy as we ask them to respect yours.

As mentioned above, this house has other guests and is in a neighborhood setting. ***When coming or going past 10:00 pm*** we ask that you do so quietly both inside and out. Loud talking or gathering outside could disturb residents and neighbors. Thank you for your consideration.

For your safety, there is a fire extinguisher located in the front entryway.

Feel free to use anything you find in the frig or cabinets. Enjoy your stay and have fun. Our goal is for you to have a positive experience while in Duluth and here at **1621 Manor**.

If you have any questions or problems call Jeff at 480-710-4556. There is a building caretaker on premise to help with any problems.

6-3

RECEIVED JAN 23 2013

In addition to the information provided above, the city of Duluth requires us to provide you with the following information:

- A. Our local property manager is Brian Jordan
6368 Morris Thomas Rd
Cloquet, MN 55720
218 591-9618

- B. The maximum number of guests allowed is 4
- C. The maximum number of vehicles allowed off street is 2
- D. All outdoor use of property shall observe quiet hours from 10:00 pm to 8:00 am
- E. See attached info on city ordinances

E-10

RECEIVED JAN 23 2013

To Whom it may concern:

As owner of vacation rental property located at **1621 E Superior St** in Duluth, I am required by city ordinance to supply all property owners within 100 ft. of an emergency contact for my property.

The following person is my designated contact:

Brian Jordan

6368 Morris Thomas Rd

Cloquet, Mn 55720

218 591-9618

Jeff Latz

1621 E Superior St

480-710-4556

E-11

RECEIVED JAN 23 2013



City of Duluth
Planning Division

411 West First Street • Room 208 • Duluth, Minnesota 55802-1197
218-730-5580 • Fax: 218-730-5904 • www.duluthmn.gov

An Equal Opportunity Employer

**INTERIM USE PERMIT
FOR
VACATION DWELLING UNIT**

Permit Number: PL13-016

Issued Date: April 22, 2013

Permit Holder:

Jeff Latz dba Latz Properties
PO Box 62
Lutsen, MN 55612
jefflatz@hotmail.com
218-663-7324

Permit Location:

1621 E. Superior St.
Lot 11 and east ½ of Lot 12, Block 59, Endion Div.
PID 010-1480-01440

Permit Terms:

1. The number of vacation dwelling units issued under this permit is 2.
2. Vacation dwelling unit #1 consists of 2 bedrooms.
3. Vacation dwelling unit #2 consists of 1 bedroom.
4. The total number of persons that may occupy vacation dwelling unit #1 is 5.
5. The total number of persons that may occupy vacation dwelling unit #2 is 3.
6. The number of off-street parking spaces provided for vacation dwelling unit #1 is 1.
7. The number of off-street parking spaces provided for vacation dwelling unit #2 is 1.
8. For each vacation dwelling unit 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.
9. The minimum rental period shall not be less than 5 nights during the period from June 15 to September 15. The minimum rental period shall not be less than 2 nights during the rest of the year.
10. The property owner must maintain all licenses and permits from the City of Duluth and State of Minnesota required for guest occupancy on the property for 3 to 21 days.
11. The interim use permit shall expire upon change in ownership of the property or in six years from the "issued date" listed above, whichever occurs first.
12. 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.
13. 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.
 - a. Managing agent: Brian Jordan
6368 Morris Thomas Rd.
Cloquet, MN 55720
brian.e.jordan@hotmail.com
218-591-9618
14. 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. The permit holder must notify neighboring properties within 10 days of a change in the managing agent or local contact's contact information.
15. 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;
16. If a permit holder is cited for any nuisance event as described in Chapter 40, Article III of the Duluth Legislative Code, the Land Use Supervisor may suspend the Interim Use Permit for 90 days. If the permit holder is cited for any nuisance event a second time, the Interim Use Permit shall be revoked.
 17. Permit holder must post the permit number on all print, poster or web advertisements;
 18. Prior to rental, the building must be inspected and an Operational Permit issued by the Fire Prevention office. Permit-holder must maintain the property in conformance with this permit and be granted permit renewals as required by the Fire Department.
 19. Prior to rental, the building must be inspected and the appropriate lodging license issued by the State of Minnesota and such licensure must be maintained.
 20. Permit holder must apply for and be granted State and local sales tax numbers, including Hotel and Motel Use Sales Tax. Permit holder must make required sales tax payments to State and local governments according to the terms established by each taxing authority.
 21. Permit holder must apply for and be granted a Hotel/Motel/B&B License from the City Clerk and must maintain licensure.
 22. Permit holder agrees 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 permit holder's expense upon change in ownership of the property or 6 years from the permit issue date, whichever occurs first, (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.

Attachments:

Site Plan

Permit Holder

Land Use Supervisor

Date

Date

Please note:

Interim Use Permits approved by the City Council shall lapse if the project or activity authorized is not begun within 1 year of the permit date. The building official may extend this period one time for a period of up to 1 year if the property owner presents a written request showing the reasons for the delay was outside the owner's control (UDC Sec. 50-37.1.N).