CITY OF DULUTH
Community Planning Division

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

File Number	PL 16-084	**Contact**	John Kelley, jkelley@duluthmn.gov		
Type	Interim Use Permit – Vacation Dwelling Unit	**Planning Commission Date**		November 15, 2016	
Deadline for Action	**Application Date**	October 10, 2016	**60 Days**	December 9, 2016	
	Date Extension Letter Mailed	October 17, 2016	**120 Days**	February 2, 2016	
Location of Subject	1421 East Superior Street				
Applicant	Michael Schraepfer	**Contact**	PO Box 3144, Duluth, MN 55803		
Agent	Michael Schraepfer	**Contact**			
Legal Description	010-1480-04980				
Site Visit Date	November 3, 2016	**Sign Notice Date**		November 1, 2016	
Neighbor Letter Date	October 18, 2016	**Number of Letters Sent**		57	

Proposal
The applicant proposes use of apartment number 3 of a three unit building as a vacation rental property. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of 2 nights.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N	Multifamily residential	Central Business Secondary
North	R-2	Multifamily residential	Central Business Secondary
South	F-4	Commercial	Central Business Secondary
East	MU-N	Single family residential	Central Business Secondary
West	MU-N	Multifamily residential	Central Business Secondary

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in an MU-N 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 meet.

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.

Review and Discussion Items:

1) The building is a 3-unit rental property consisting of 2 apartments on the second floor and one unit on the main level

2) The second floor unit that is proposed for the vacation dwelling unit is a 2-story unit with living and sleeping rooms on the third level. The two levels within the unit are connected via an open stairway.

3) The applicant's property is located on East Superior Street. The proposed vacation dwelling unit has 2 bedrooms, which would allow for a maximum of 5 people.

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 property boundary. Applicant will act as managing agent.

5) Parking for the apartment building is located in the rear yard area of the property. Access to the parking lot is through the use of a shared driveway with the property adjacent to the west. A copy of the shared access agreement has been provided. The off street parking required for the 2-bedroom vacation dwelling unit is 1 parking space and is provided.

6) The site plan submitted indicates there are no exterior amenities available. The site plan shows existing screening/buffering in the northwest corner of the rear yard from the adjacent property. The east side of the property has a combination of building, shrubs and trees for screening. An existing detached garage is located in the northeast corner of the adjacent property.

7) A time limit on this Interim Use 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 interim use permit shall expire upon change in ownership of the property or in six years, whichever occurs first.

8) Applicant will need to complete an inspection from the Minnesota Department of Health as part of the process for obtaining a Lodging License, and one with the City's fire prevention office. The Applicant will also need to apply for a Hotel/Motel License and a Tourism Tax permit.

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 citizen or City Department comments were received on this zoning application.

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

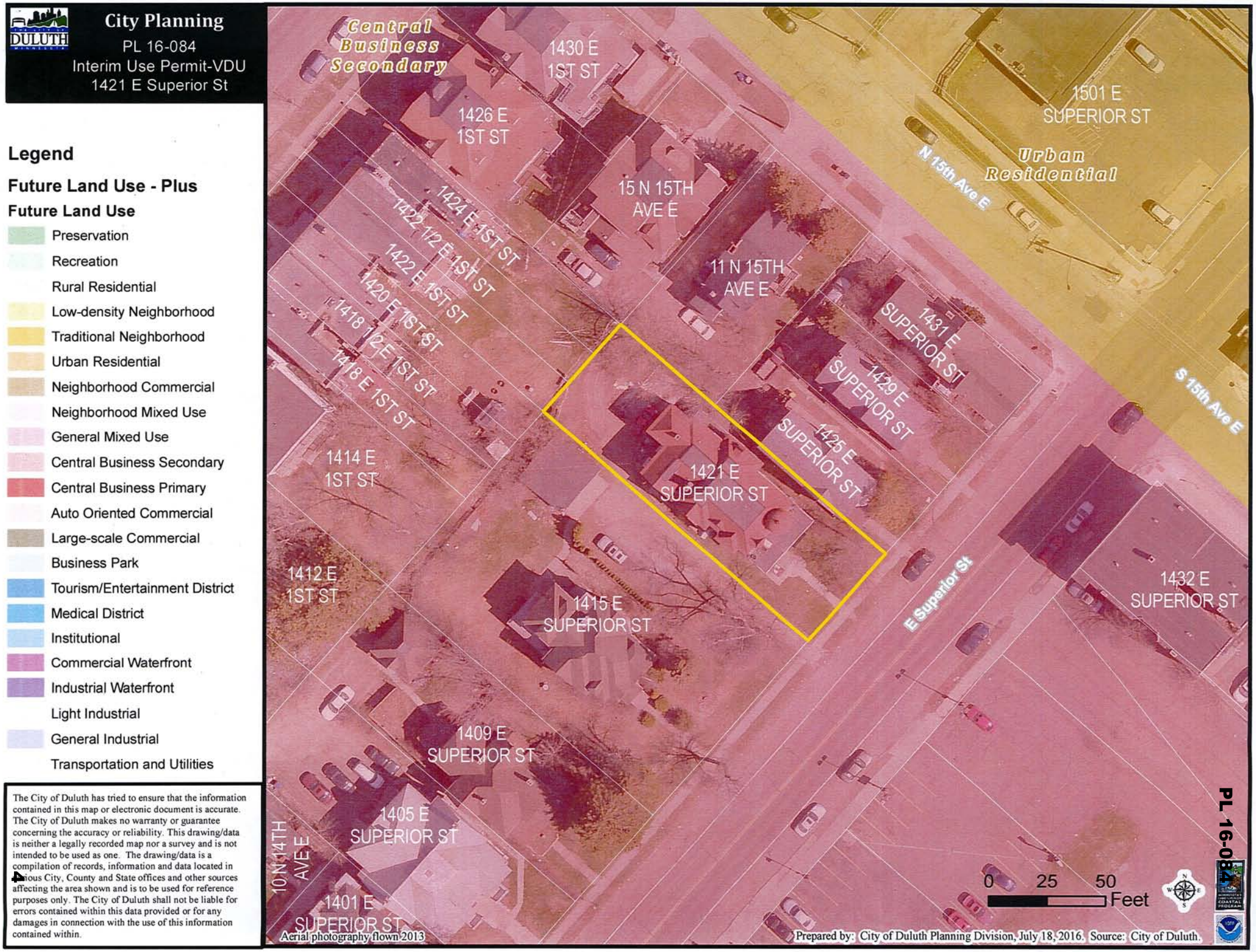
Governing Principle #8 - Encourage mix of activities, uses, and densities

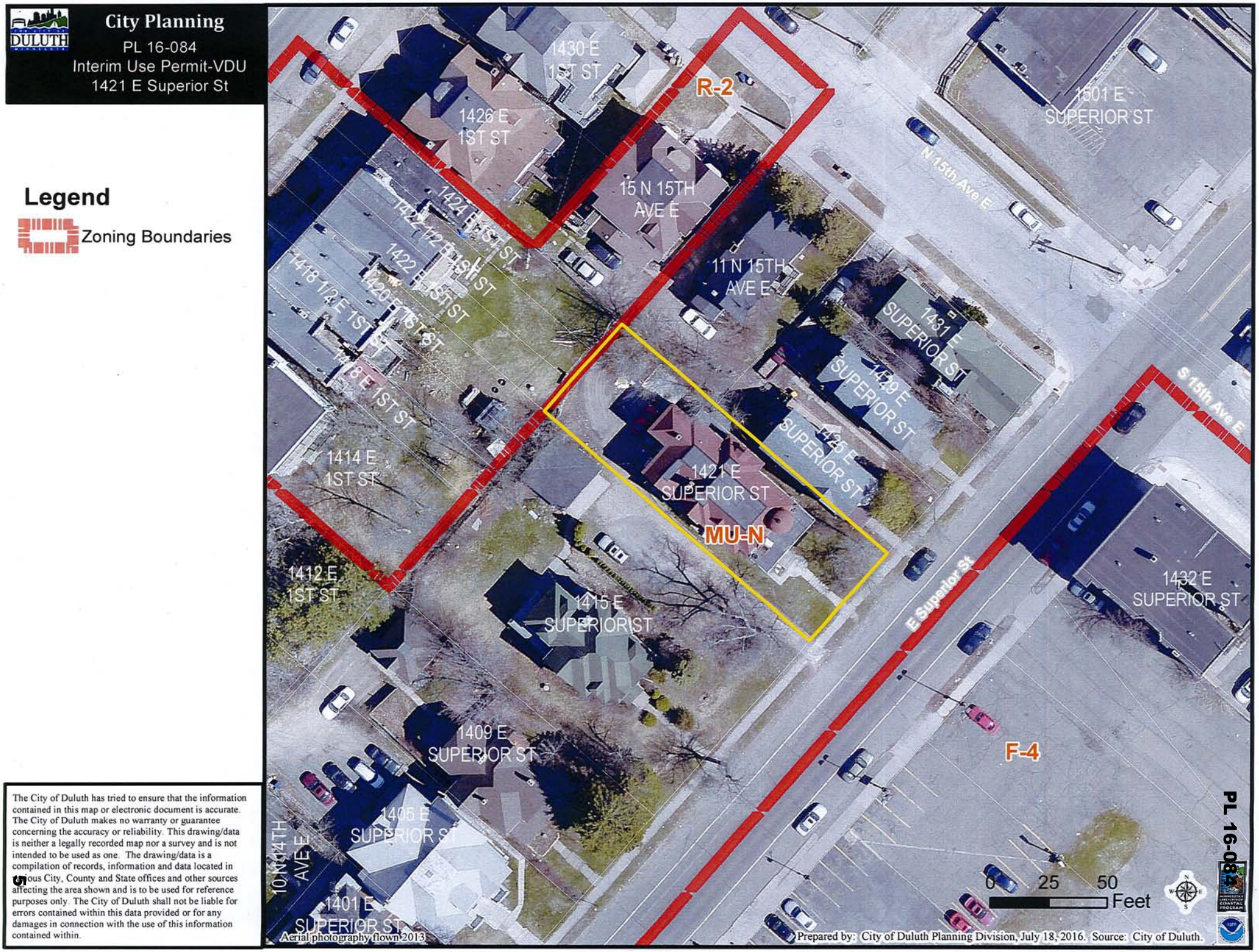
Future Land Use – Central Business Secondary:
An area adjacent to and supporting the primary central business area or a stand-alone area providing a similar mix of destination land uses but at a lower intensity than the primary CB area. Includes mixed regional and neighborhood retail, employment centers, public spaces, medium density residential, and public parking facilities

The site is developed consistent with the future land use as described and the applicant is not proposing alterations to the use.

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 document and provide evidence of compliance, which will be included in the resolution.
3) The applicant must disclose to all guests, in writing, that quiet hours shall be observed between the hours of 10 p.m. and 8 a.m.


City Planning
PL 16-084
Interim Use Permit-VDU
1421 E Superior St
Legend
Future Land Use - Plus
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
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.
Central Business Secondary
Urban Residential
1430 E 1ST ST
1426 E 1ST ST
1424 E 1ST ST
1422 1/2 E 1ST ST
1422 E 1ST ST
1420 E 1ST ST
1418 1/2 E 1ST ST
1418 E 1ST ST
1414 E 1ST ST
1412 E 1ST ST
1409 E SUPERIOR ST
1405 E SUPERIOR ST
1401 E SUPERIOR ST
10 N 14TH AVE E
15 N 15TH AVE E
11 N 15TH AVE E
1501 E SUPERIOR ST
N 15th Ave E
S 15th Ave E
1431 E SUPERIOR ST
1429 E SUPERIOR ST
1425 E SUPERIOR ST
1421 E SUPERIOR ST
1415 E SUPERIOR ST
1432 E SUPERIOR ST
E Superior St
0 25 50 Feet
Aerial photography flown 2013
Prepared by: City of Duluth Planning Division, July 18, 2016. Source: City of Duluth.
PL 16-084



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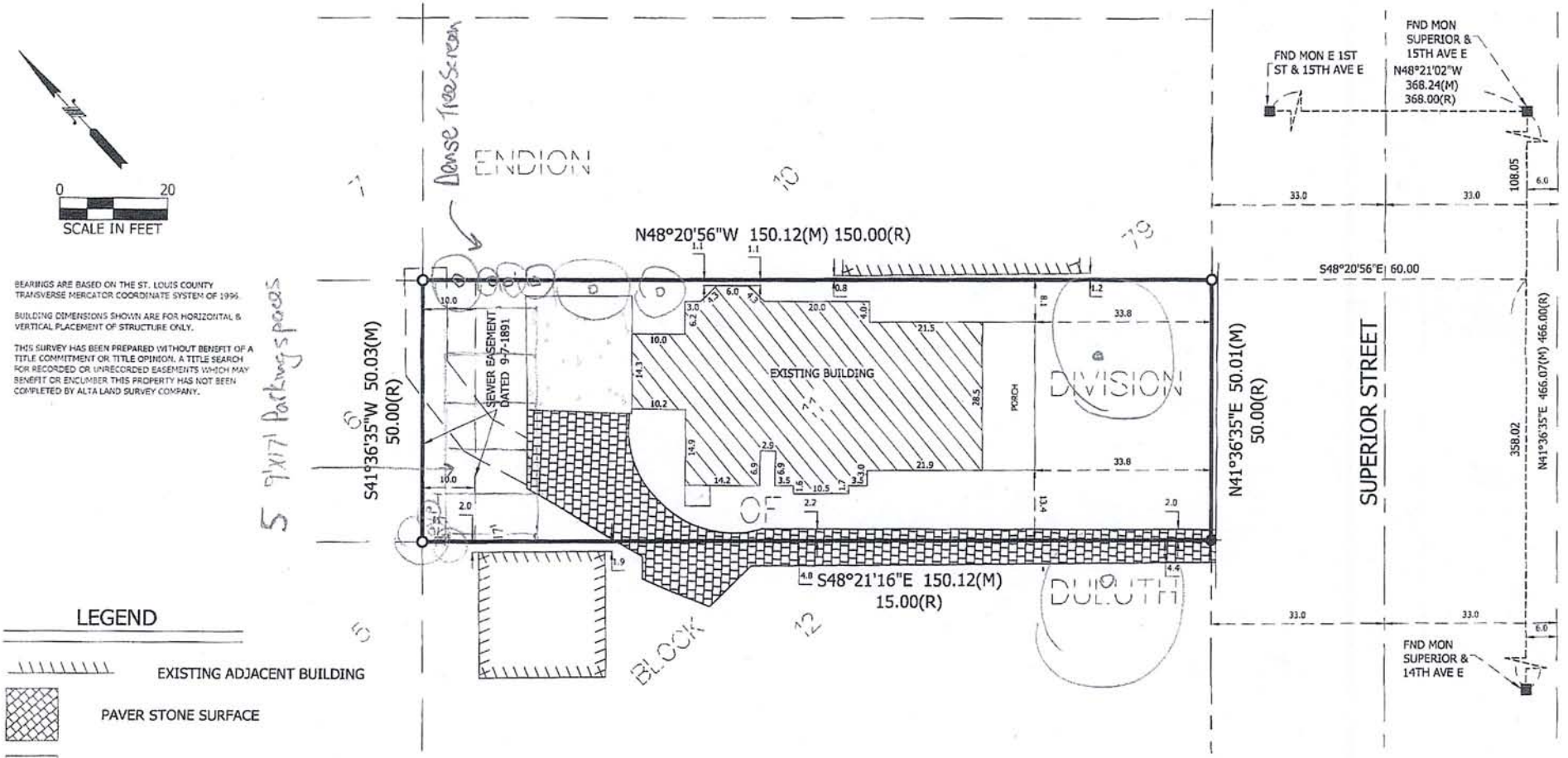

LEGEND

- EXISTING ADJACENT BUILDING
- PAVER STONE SURFACE
- GRAVEL SURFACE
- CONCRETE SURFACE
- FOUND CITY MONUMENT BOX
- SET MAG NAIL
- SET CAPPED REBAR RLS 49505

LEGAL DESCRIPTION PER DOC 1271579

Lot 11, Block 79, ENDION DIVISION OF DULUTH, St. Louis County, Minnesota.

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly licensed Land Surveyor under the laws of the State of Minnesota.

David R. Evanson

David R. Evanson

Date: 7-26-2016 MN Lic. No. 49505

CERTIFICATE OF SURVEY

CLIENT: MICHAEL SCHAEFFER

REVISIONS: XXX

DATE: 7-28-2016

ADDRESS: 1421 E SUPERIOR ST

JOB NUMBER: 16-208

ALTA LAND SURVEY COMPANY

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PL 16-084

Google earth

feet 20
meters 6

PL 16-084

Understanding of the Regulations:

In addition to the UDC Interim Use Permit requirements listed above, Vacation Dwelling Units and Accessory Vacation Dwelling Units must adhere to the following regulations:

1. 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. We will keep a log book in our office, this property is professionally managed by Heirloom Property Management.
2. 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. Understood. Heirloom Property Management is the designated contact along with the owner, Michael Schraepfer who does live within 25 miles.
3. 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. Understood. We will notify them as soon as we have a permit.
4. Permit holder must disclose in writing to their guests the following rules and regulations:

    1. The managing agent or local contact's name, address, and phone number;
    2. The maximum number of guests allowed at the property;
    3. The maximum number of vehicles, recreational vehicles, and trailers allowed at the property and where they are to be parked;
    4. 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;
    5. Applicable sections of City ordinances governing noise, parks, parking and pets;

    Understood. This will be given along with the cities required handout.

5. 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. Understood. We believe we are in a very conducive commercial / neighborhood location for a use such as this.
6. Permit holder must post their permit number on all print, poster or web advertisements; Understood.
7. Prior to rental, the building must be inspected and an Operational Permit issued by the Fire Prevention office. Contact the Fire Prevention office at 218-730-4397 or 218-730-4399 for information. Understood. This property has already held a multi-family rental license for many years.
8. Permit holder must apply for and be granted State and local sales tax numbers, including Hotel and Motel Use Sales Tax. Understood.