



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 18-030	Contact	Chris Lee, clee@duluthmn.gov
Type	Interim Use Permit, Vacation Rental - Renewal	Planning Commission Date	May 8, 2018
Deadline for Action	Application Date	March 9, 2018	May 8, 2018
	Date Extension Letter Mailed	March 19, 2018	July 7, 2018
Location of Subject	728 Lake Avenue South		
Applicant	Douglas and Kathleen Baker	Contact	kbaker315@msn.com
Agent		Contact	
Legal Description	010-4380-01150		
Site Visit Date	April 23, 2018	Sign Notice Date	April 25, 2018
Neighbor Letter Date	April 20, 2018	Number of Letters Sent	21

The applicant would like to use their home as a vacation rental property. A vacation dwelling unit allows rentals for 3 to 29 days, with a minimum of 2 nights. This is a renewal of an interim use permit to allow an existing vacation rental to operate.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	R-1	Beach/Lake	Preservation
West	MU-N/I-W	Residential	Traditional Neighborhood

Summary of Code Requirements

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 or 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.

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

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.

The applicants currently have an existing interim use permit for a vacation rental on the property that was approved on August 11, 2015 (PL 15-102). These interim use permits expire after 6 years or if the property changes owners.

Note: Interim Use Permits are approved, approved with recommendations, or denied by the City Council by resolution after a public hearing is held by the Planning Commission. Interim Use Permits expire if the project or activity authorized by the permit is not begun within 1 year.

Review and Discussion Items

Staff finds that:

- 1) Applicant is applying for an Interim Use Permit. This application is a renewal for an existing interim use permit to operate a vacation rental. The minimum rental period shall not be less than 2 nights and no more than 29 nights
- 2) A time limit on this Interim Use is needed to verify that the Vacation Dwelling Unit can function without negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Typically Planning Staff recommends that the City Council resolution states that approval shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 3) The applicant owns lot 225 of Upper Duluth Lake Avenue; the lot is 40 feet wide by 100 feet long. According to St. Louis County records, the home was built in 1886 and has a main floor sq. ft. of 1,098 with a gross area of 2,196 sq. ft. There is also a 240 square foot garage, built in 1997. It has 3 bedrooms.
- 4) The applicant will rent out 3 bedrooms, allowing a maximum of up to 7 guests at any one time; the applicant will provide two off street parking space (between home and garage).
- 5) 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 (managing agent is Tiffany Gauge). 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.
- 6) The applicant has not provided any plans showing additional buffering/screening. Based on the location (near beach), staff do not believe additional screening is required to reduce land use conflicts. There are also several existing fences between shared property lines. There is no fire pit on the property, but based on past comments and concerns from citizens related to similar applications on park point, staff recommend that the Commission consider that no fire pit be allowed on the property.
- 7) Applicant has obtained all the necessary permits and licenses to operate a vacation rental.
- 8) 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").
- 9) No public, agency, or City comments were received.

Staff Recommendation

Based on the above findings, Staff recommends that Planning Commission recommend approval subject to the following:

- 1) 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 to the City Council (guest record book including name, address, phone number and vehicle license plate; name, address, and phone number of local contact/managing agent to property owners within a 100 feet; rules of how the property can be used must be provided to guests including selected city ordinances on parking, parks, pets and noise; and acknowledge that interim use permit may be suspended in the event of multiple nuisance calls).
- 2) No fires on the beach and no burning of trash.
- 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 administrative approval shall constitute a variance from the provisions of Chapter 50.



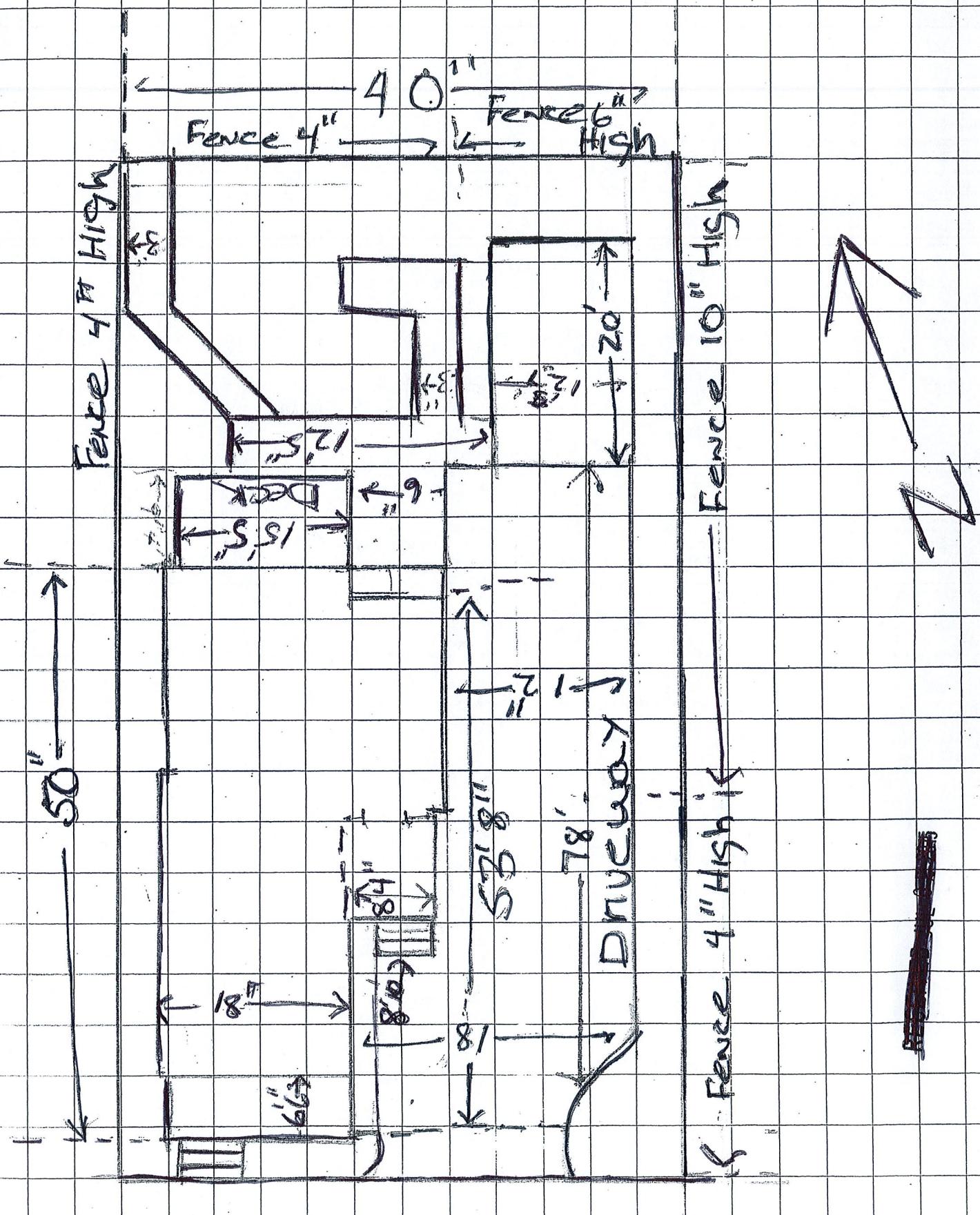
PL 18-030: IUP Vacation Rental
728 Lake Ave S



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.

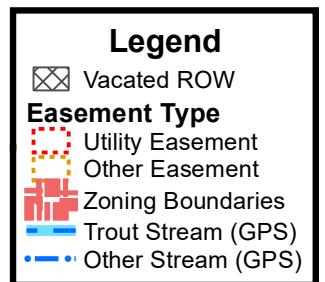
Aerial photography flown 2016







728 S Lake Ave

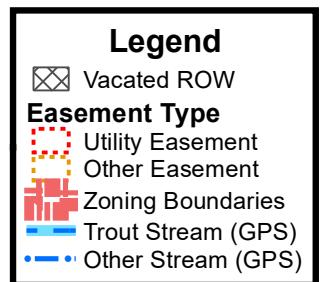


The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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



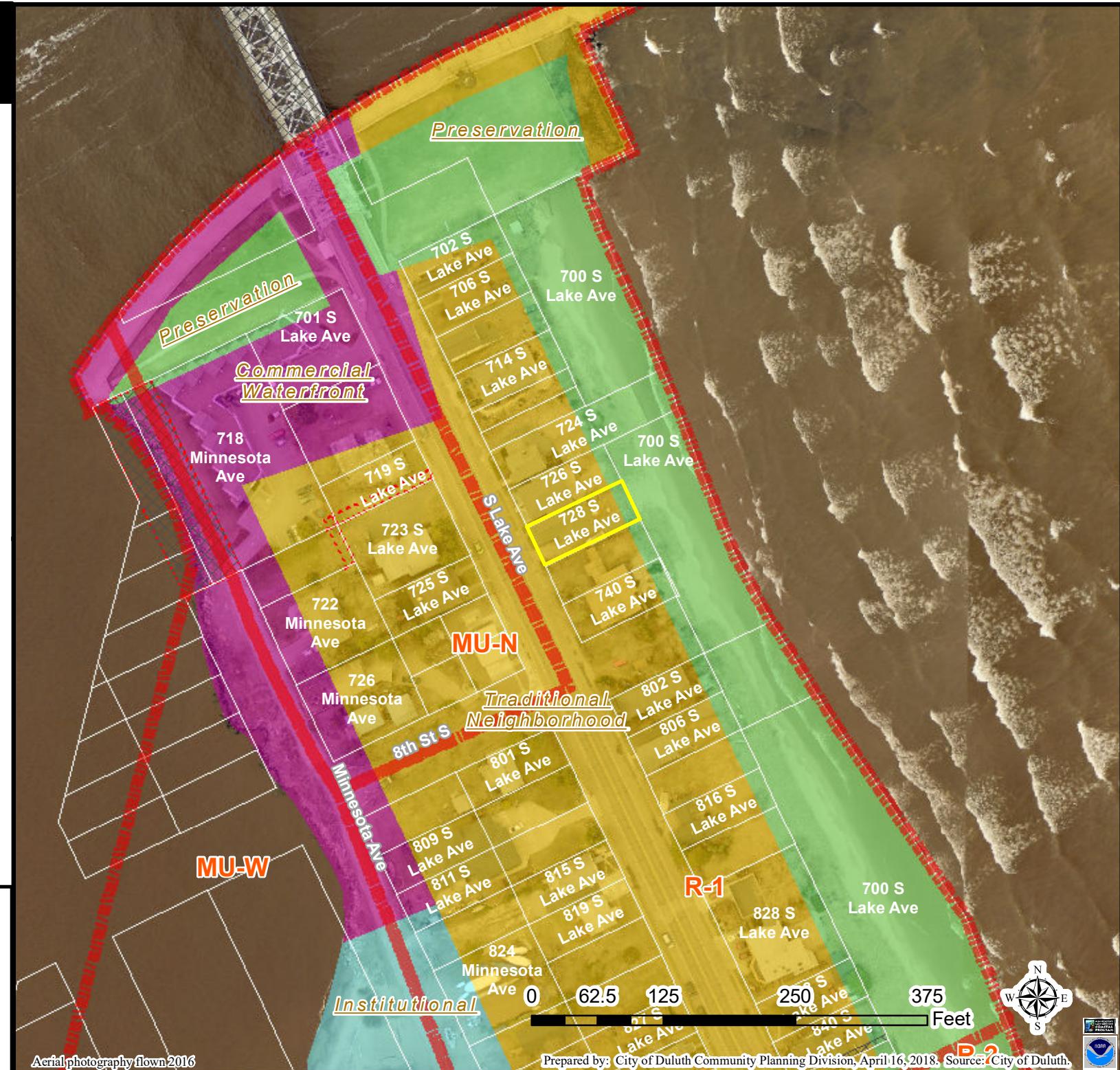


728 S Lake Ave



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 2016



Prepared by: City of Duluth Community Planning Division, April 16, 2018. Source: City of Duluth.



