

**CITY OF DULUTH**

Community Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197

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File Number	PL 16-101	Contact	Chris Lee, clee@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date		October 11 2016
Deadline for Action	Application Date	August 15, 2016	60 Days	October 13, 2016
	Date Extension Letter Mailed	September 26, 2016	120 Days	December 12, 2016
Location of Subject		241 West Arrowhead Road		
Applicant	Susan Yunis	Contact	syunis@css.edu	
Agent		Contact		
Legal Description		010-1860-01170		
Site Visit Date		September 22, 2016	Sign Notice Date	September 27, 2016
Neighbor Letter Date		September 26, 2016	Number of Letters Sent	45

Proposal

The applicant proposes use of her house 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	R-1	Single family residential	Traditional Neighborhood
North	R-1	Single family residential	Traditional Neighborhood
South	R-1	Single family residential	Traditional Neighborhood
East	R-1	Single family residential	Traditional Neighborhood
West	R-1	Single family 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 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.

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 – 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 site is developed consistent with the future land use as described and the applicants are not proposing alterations to the use.

Review and Discussion Items

- 1) The applicant's property is located on 241 West Arrowhead Road. The dwelling unit has 3 bedrooms, which would allow for a maximum of 7 people.
- 2) Permit holders 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 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.
- 3) Off-Parking for the will be provided as two stalls in the garage and another two spaces on the driveway on the northwest corner of the property.
- 4) The site plan submitted indicates there is a brick patio. The site plan shows existing screening/buffering in the north, east, and west sides of the yard from the adjacent property that should provide ample screening to the property. Additional screening will be added to the southeast corner of the property to extend the tree line. A fire pit and seating area is proposed and will be screened from adjacent properties with existing screening.
- 5) 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.
- 6) Applicant has completed 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, for which an inspection was scheduled for 9/28/16. The Applicant has applied for the Hotel/Motel Tax numbers, and the Tax ID numbers.
- 7) 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").
- 8) No citizen or City Department comments were received on this zoning 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. A resolution will not go forward to City Council until the documents are provided to City Staff.
- 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.

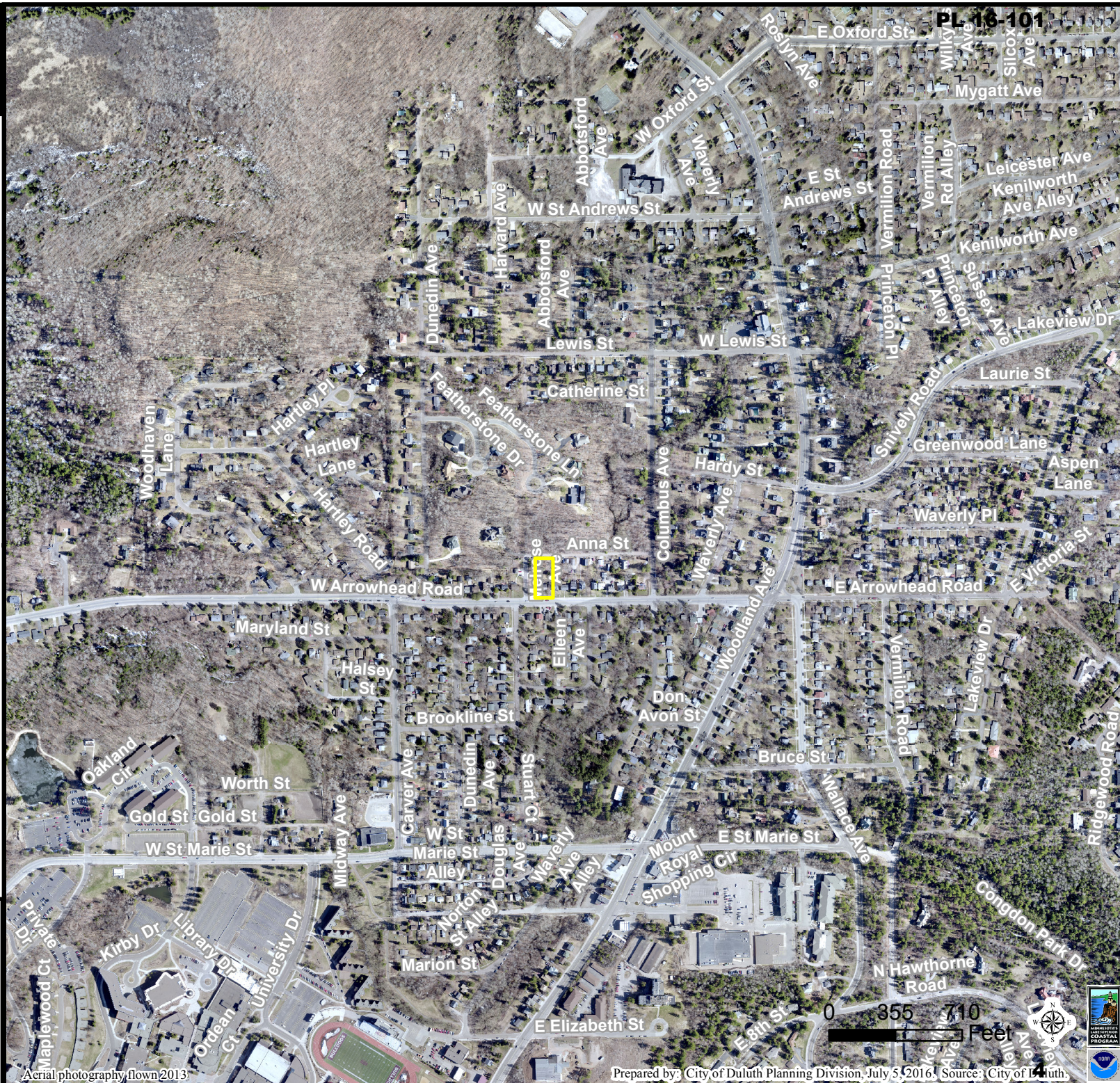


City Planning

PL16-101: IUP
241 W. Arrowhead Rd

Legend

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Aerial photography flown 2013

Prepared by: City of Duluth Planning Division, July 5, 2016. Source: City of Duluth



City Planning

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241 W Arrowhead St

Legend

Zoning Boundaries



Zoning Boundaries

Water Distribution System



30 - 60" Water Pipe



16 - 24" Water Pipe



4 - 6" Water Pipe

Sanitary Sewer Collection System



Sanitary Sewer Collector



Sanitary Sewer Interceptor



Sanitary Sewer Forced Main



Storage Basin



Pump Station

Gas Distribution Main



8" - 16" Gas Pipes



4" - 6" Gas Pipes



0" - 4" Gas Pipes

Storm Sewer Collection System



Storm Sewer Pipe



Storm Sewer Catch Basin

Right-of-Way Type



Road or Alley ROW



Vacated ROW

Easement Type

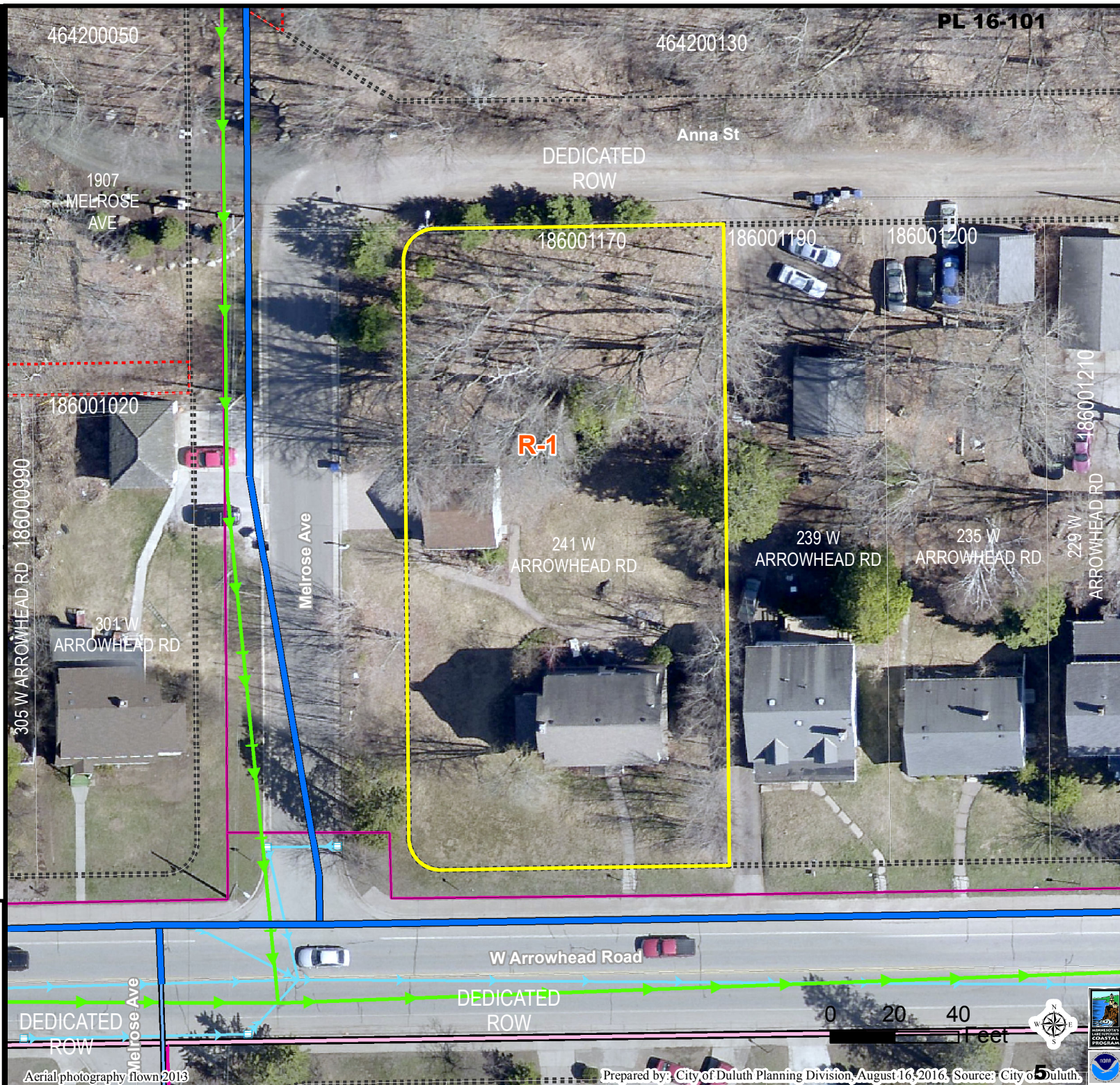


Utility Easement



Other Easement

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Zoning Boundaries



Zoning Boundaries

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

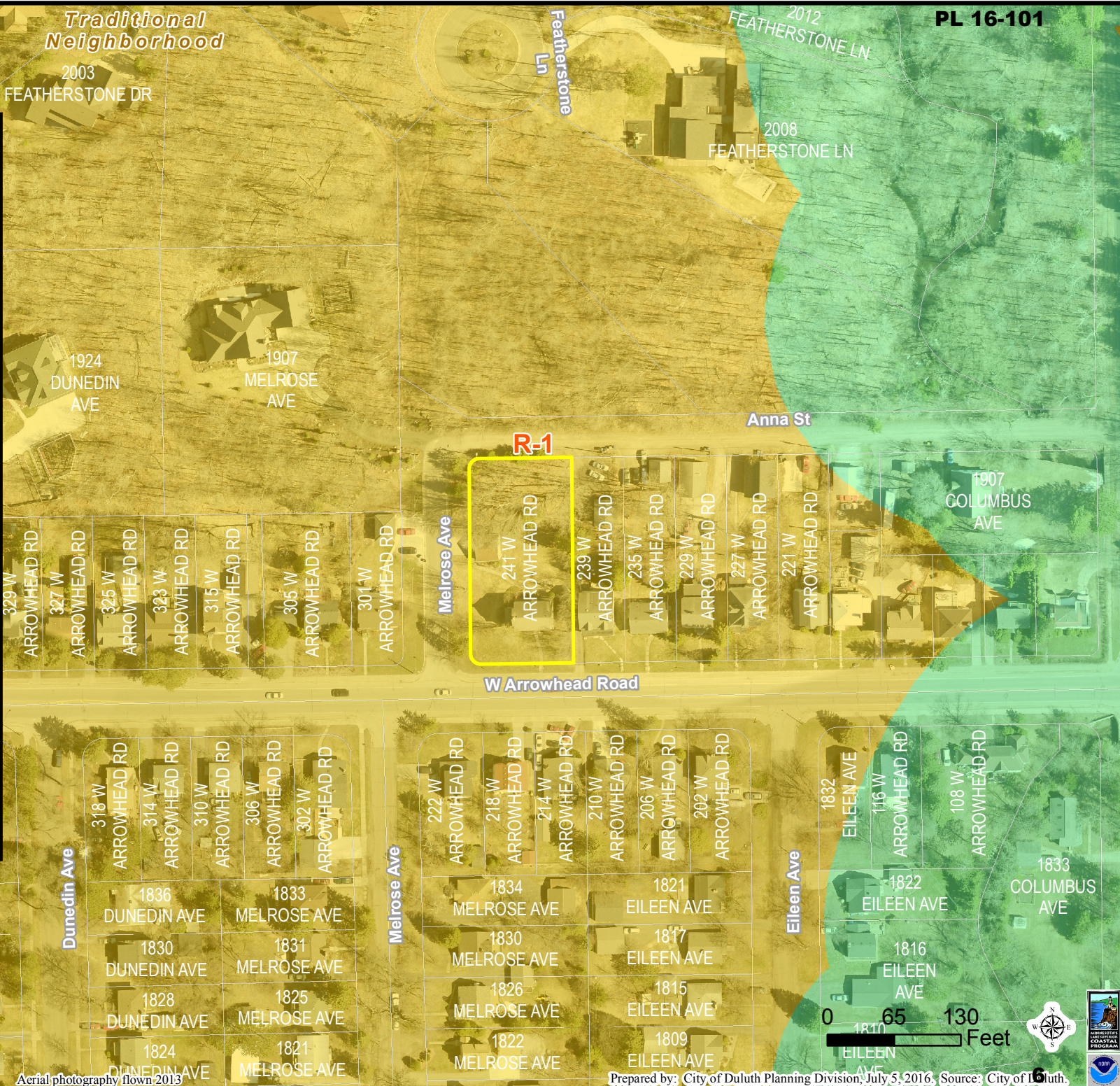


General Industrial



Transportation and Utilities

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**CONSTRUCTION SERVICE
AND INSPECTIONS**

sting Elements

posed Elements



Additional screening

