



**CITY OF DULUTH**

Community Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

<b>File Number</b>	PL 19-039	<b>Contact</b>	John Kelley, jkelley@duluthmn.gov	
<b>Type</b>	Interim Use Permit – Accessory Vacation Dwelling Unit	<b>Planning Commission Date</b>	March 14, 2019	
<b>Deadline for Action</b>	<b>Application Date</b>	April 10, 2019	<b>60 Days</b>	June 9, 2019
	<b>Date Extension Letter Mailed</b>	April 18, 2019	<b>120 Days</b>	August 8, 2018
<b>Location of Subject</b>	1235 Minnesota Avenue			
<b>Applicant</b>	Lake View Land Co., LLC	<b>Contact</b>		
<b>Agent</b>	Heirloom Property Management	<b>Contact</b>		
<b>Legal Description</b>	See Attached, PID: 010-4390-01940			
<b>Site Visit Date</b>	May 2, 2019	<b>Sign Notice Date</b>	April 30, 2019	
<b>Neighbor Letter Date</b>	April 30, 2019	<b>Number of Letters Sent</b>	19	

**Proposal**

The applicants would like to use their accessory dwelling unit as a vacation rental property. An accessory vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum of 2 nights.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Residential	Traditional Neighborhood
<b>North</b>	R-1	Residential	Traditional Neighborhood
<b>South</b>	R-1	Residential	Traditional Neighborhood
<b>East</b>	R-1	Residential	Traditional Neighborhood/Recreation
<b>West</b>	MU-W	US Coast Guard	Transportation & Utilities

**Summary of Code Requirements:**

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in an R-2 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 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):**

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

- 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 and neighborhood extensions, and new traditional neighborhood areas.

**Current History:** The previous owner of the property was approved for a Vacation Dwelling Unit and an Accessory Vacation Dwelling Unit in 2016 (PL 16-049, 16-050).

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

### **Review and Discussion Items:**

1) Applicants are applying for an Interim Use Permit for an accessory vacation dwelling unit in an existing accessory dwelling unit located at 1235 Minnesota Avenue. The accessory dwelling unit has one bedroom, which would allow for a maximum of 3 guests.

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 serve as the managing agent.

3) Parking for the house is located on a parcel behind 1235 Minnesota Avenue. Allete, Inc. owns the parcel that the applicant is contracting with for parking. The previous permit holder was approved for offsite parking with the requirement that a parking agreement is in place with Allete and a copy of the lease is provided to the City annually.

4) The applicant has provided a site plan showing existing buffering/screening between adjacent properties. The north and south sides of the property have a combination of building, fencing and shrubs for existing screening. The southwest corner of the rear yard is screened with an existing fence and trees to buffer the area from the adjacent property for guests outdoor recreation use. The site plan indicates that there is a wooden deck off the back of the house.

5) 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.

6) Applicant has applied for the City of Duluth Tourism Tax license, the Minnesota Department of Health Lodging License, and have a Tax ID number. Applicant will need an operational permit with the City's fire prevention

office and also need to apply for a Hotel/Motel License.

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 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 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 provide a written disclosure to all guests stating that quiet hours shall be observed between the hours of 10 p.m. and 8 a.m.
- 4) The applicant must provide a written disclosure to all guests, in writing, stating that quiet hours shall be observed between the hours of 10 p.m. and 8 a.m.
- 5) The applicant must disclose to all guests, in writing, the location of the nearest legal access to the Lake Superior beach.



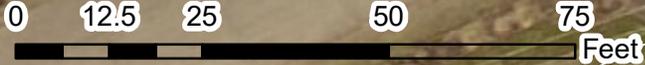
PL 19-038 & 39  
Interim Use Permit  
Vacation Dwelling Unit



**Legend**

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Aerial photography flown 2016





**Legend**

Zoning Boundaries

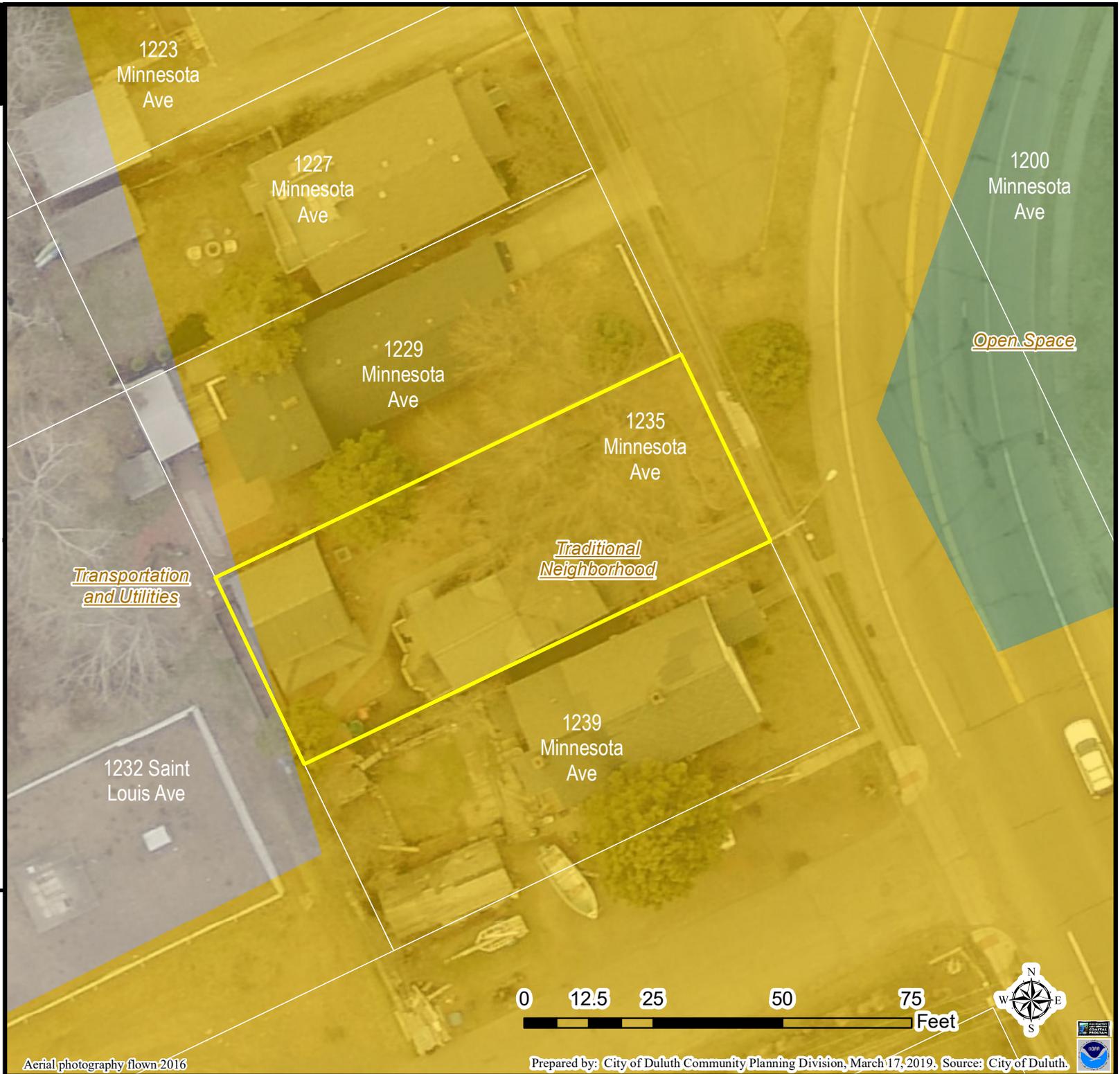


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**Legend**

- Open Space
- Open Space/Outside Duluth
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Central Business Secondary
- Central Business Primary
- Large-scale commercial
- Tourism/Entertainment District
- Commercial Waterfront
- General Mixed Use
- Neighborhood Mixed Use
- Light Industrial
- General Industrial
- Industrial Waterfront
- Business Park
- Transportation and Utilities
- Transportation and Utilities/Outside Duluth
- Medical District
- Institutional

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Aerial photography flown 2016



Minnesota Ave

S. Lake Ave

Minnesota Ave

Parking:

- 20 x 25 curb: upon per city code
- 15m: pour 3
- 1500: 2 side x
- Construct 2 side x side parking spots @ a minimum of 9 x 17 each

Highlighted

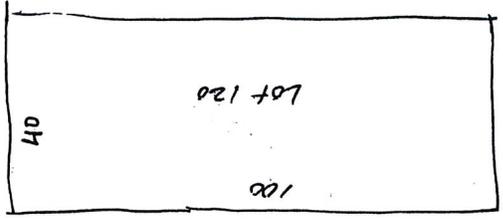
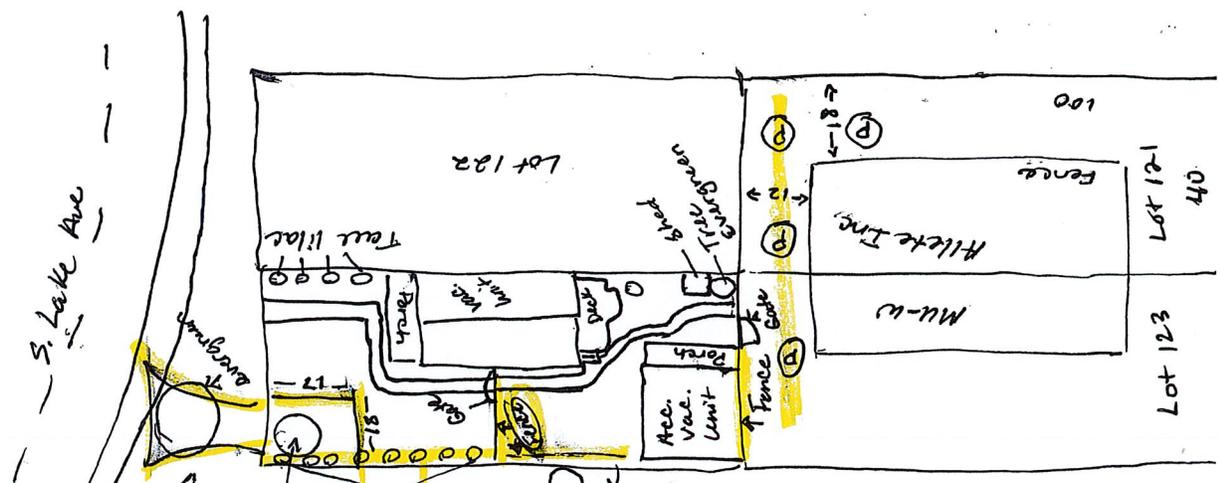
\* May choose to utilize license by Alite for personal use

\* Evergreen: Maple removed for parking pad / curb

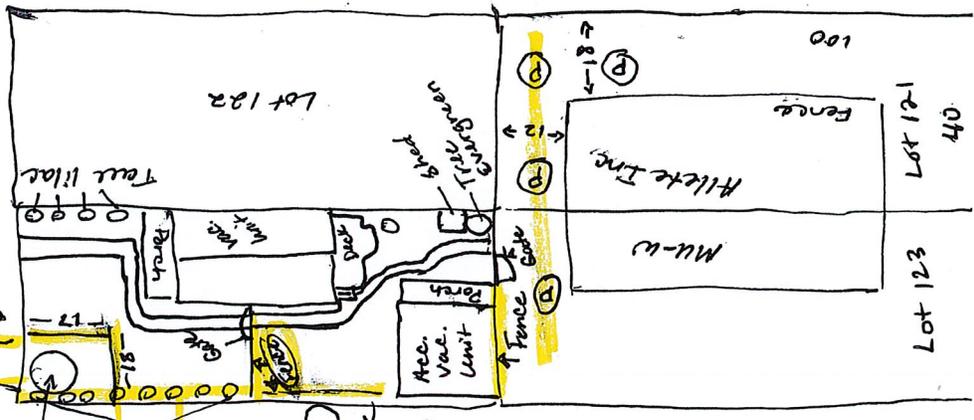
(highlighted)

- \* Both units covered porch constructed w/ wood
- \* Deck is wood

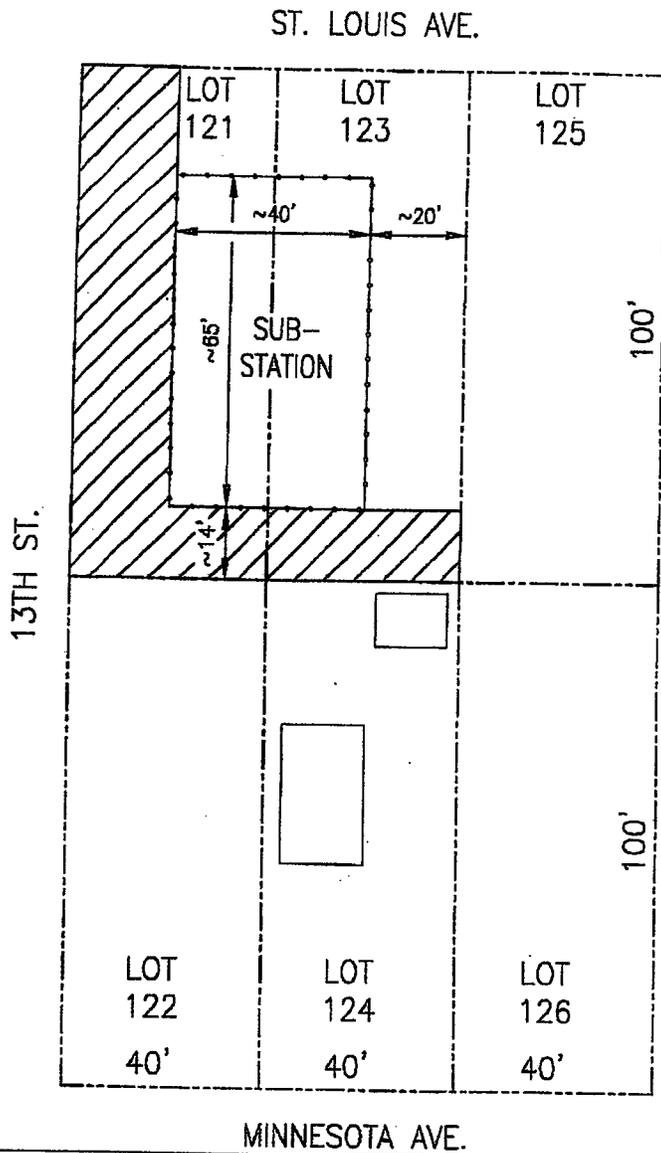
P = parking minimum 12ft. x 18ft.



18 x 54



CADD DRAWING - FOR REPRODUCTION ONLY



SUBSTATION SITE  
LOCATED IN UPPER  
DULUTH IN GOVT.  
LOT 1, SEC.35  
T.50N. - R.14W.

LOTS SHOWN ARE  
40' x 100'



REFERENCE DWG:  
MN POWER MD+15846

ImageSite:



DR.	CHK.
APPROVED	
DATE	6/2/16

SUBSTATION (RETIRED)  
PARK POINT - DULUTH, MN  
LOCATION PLAN

SH. 1	REV. 0
APPENDIX A	