


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 16-142	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date	January 10, 2017	
Deadline for Action	Application Date	December 5, 2016	60 Days	February 3, 2017
	Date Extension Letter Mailed	October 27, 2016	120 Days	April 4, 2017
Location of Subject	511 North 4 th Avenue West			
Applicant	Aaron Hornibrook	Contact	511 N. 4 th Avenue West, Duluth, MN	
Agent		Contact		
Legal Description	010-1290-0340, 010-1290-0340			
Site Visit Date	December 30, 2017	Sign Notice Date	December 28, 2016	
Neighbor Letter Date	December 27, 2016	Number of Letters Sent	26	

Proposal

The applicant proposes use of the property 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-2	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

PL 16-142
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

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.

- 1) The applicant's property is located on North 4th Avenue West. The dwelling unit has 2 bedrooms, which would allow for a maximum of 5 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 has designated himself as the managing agent.
- 3) The property has street frontage along North 4th Avenue West and Pittsburg Avenue. A parking pad is located on the northwest portion of the parcel along Pittsburg Avenue. The site plan submitted shows the parking pad and dimensions that appear to meet the parking space size requirement. Staff reviewed the parking pad area using the City GIS software and has concluded that the parking space does not meet the 9' x 17' size requirement of the UDC. Therefore, staff is recommending that the applicant improve the existing parking space to a uniformly dimensioned 9' x 17' parking space by June 1st, 2017. The applicant has indicated in writing that if the parking space is deemed inadequate that he is willing to increase the size of the parking area. (See attached letter)
- 4) The house is constructed at a higher elevation than the adjacent property to the south and is situated in close proximity to the neighboring home. The site plan submitted indicates there is an existing 5-foot fence between the two properties. The site plan also depicts a future fire pit and patio location. A note on the site plan indicates that a fence will be constructed if there is a fire pit.
- 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 will need to complete an inspection from the Minnesota Department of Health as part of the process for obtaining a Lodging License. The Applicant will also need to apply for a Hotel/Motel License and a Tourism Tax permit.
- 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 improve the existing parking space to a uniformly dimensioned 9' x 17' parking space by June 1st, 2017.
- 3) 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.
- 4) 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

PL16-142: IUP
511 N 4th Ave. West
FLU Map

Legend

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.

PL 16-1



0 10 20 Feet

Aerial photography flown 2016


Prepared by: City of Duluth Planning Division, December 13, 2016. Source: City of Duluth



City Planning

PL16-142: IUP
511 N 4th Ave. West
Zoning Map

Legend

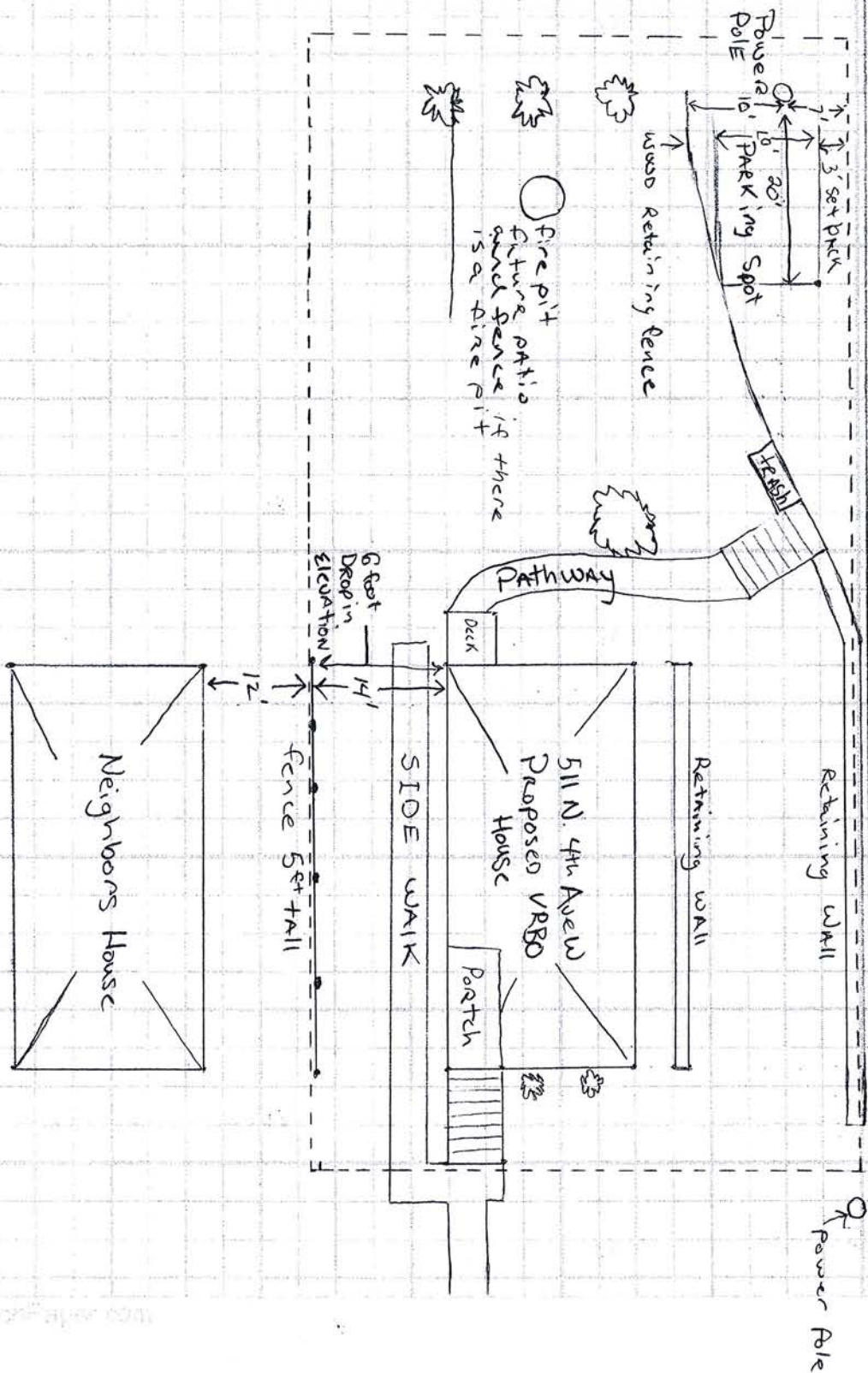
 **Zoning Boundaries**
Zoning Boundaries

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.



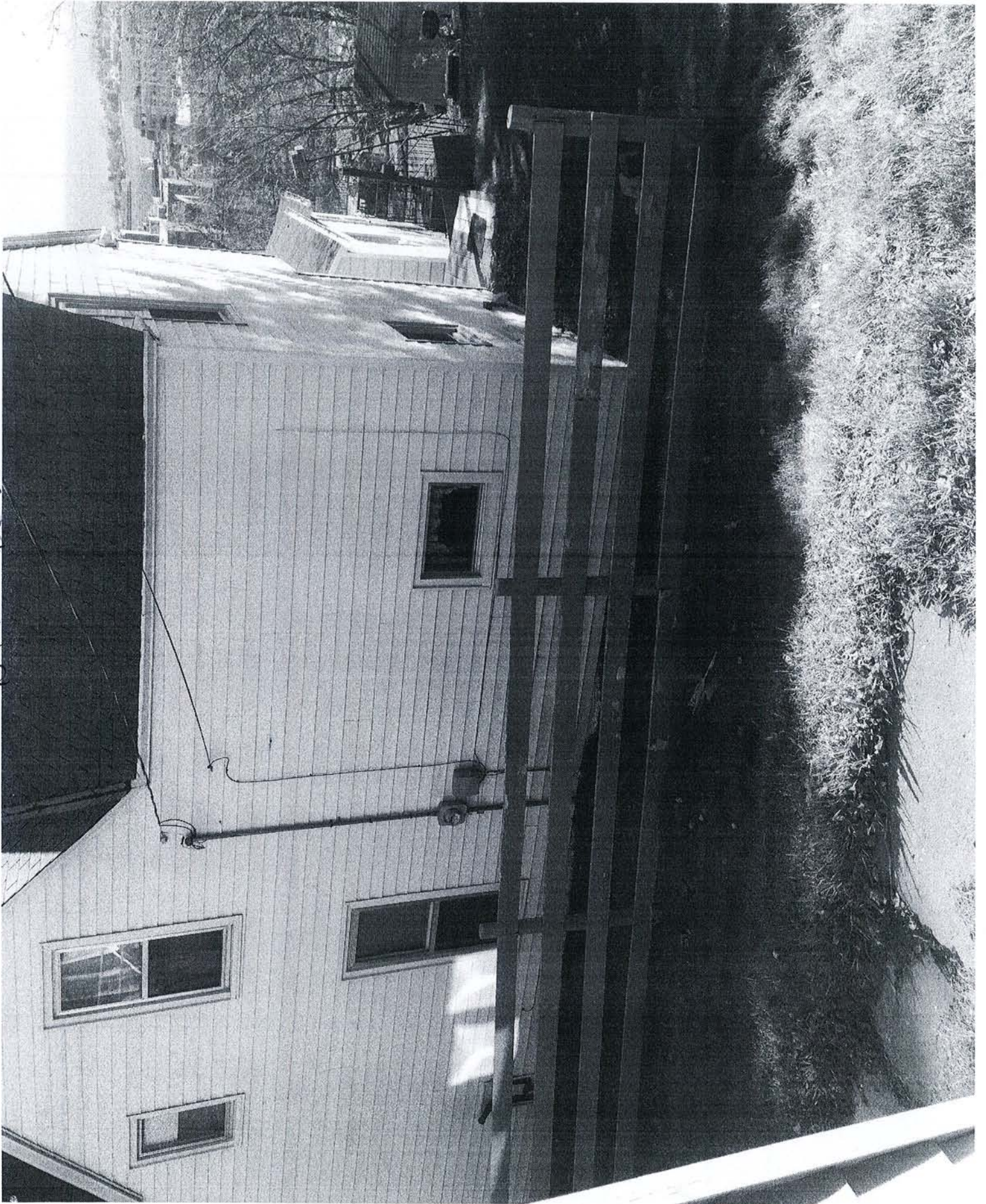
511 N. 4th Ave W. Duluth, MN Zone R-1

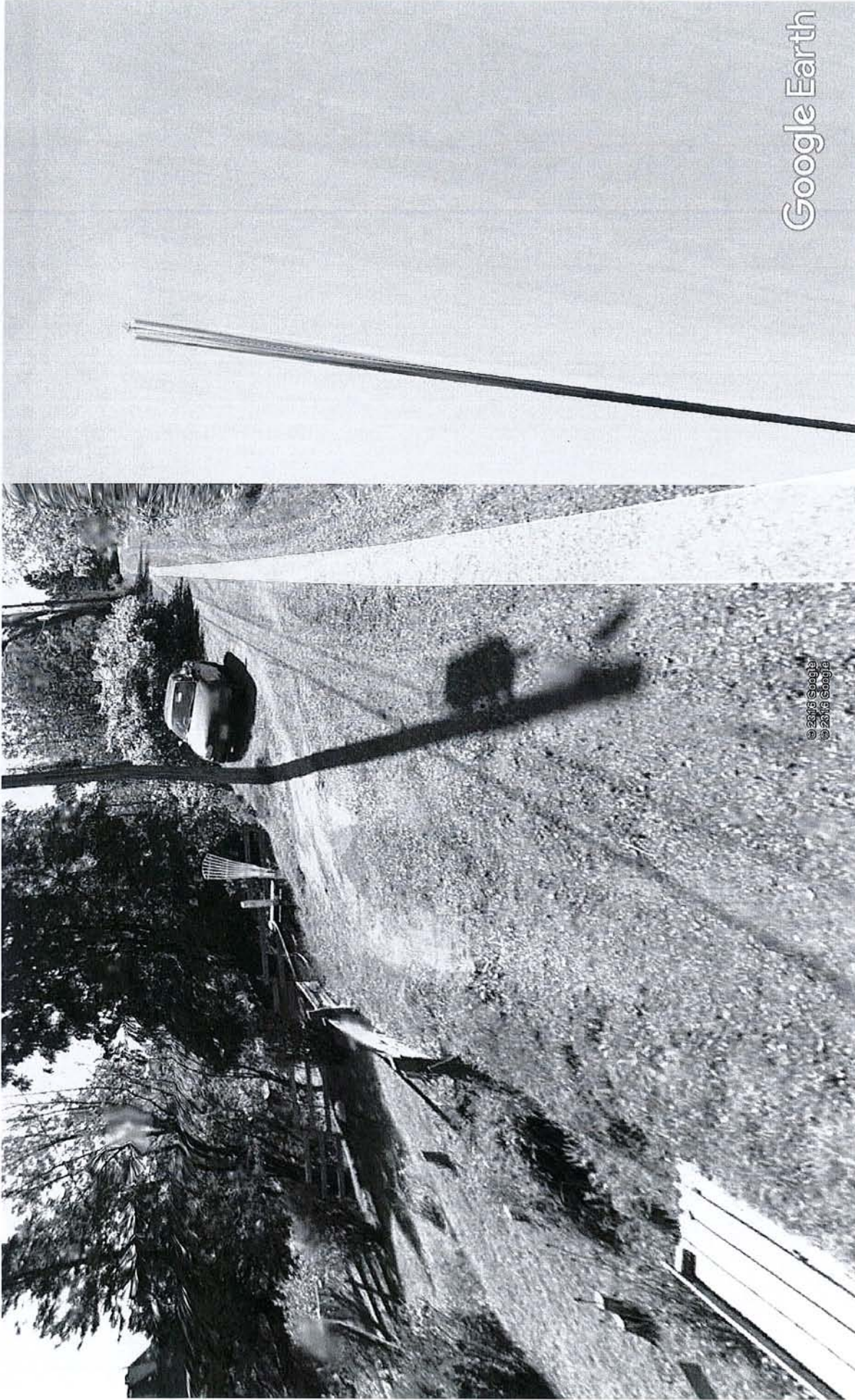
Pittsburg Ave.



1=4' - - - - - Property Line

Back Deck

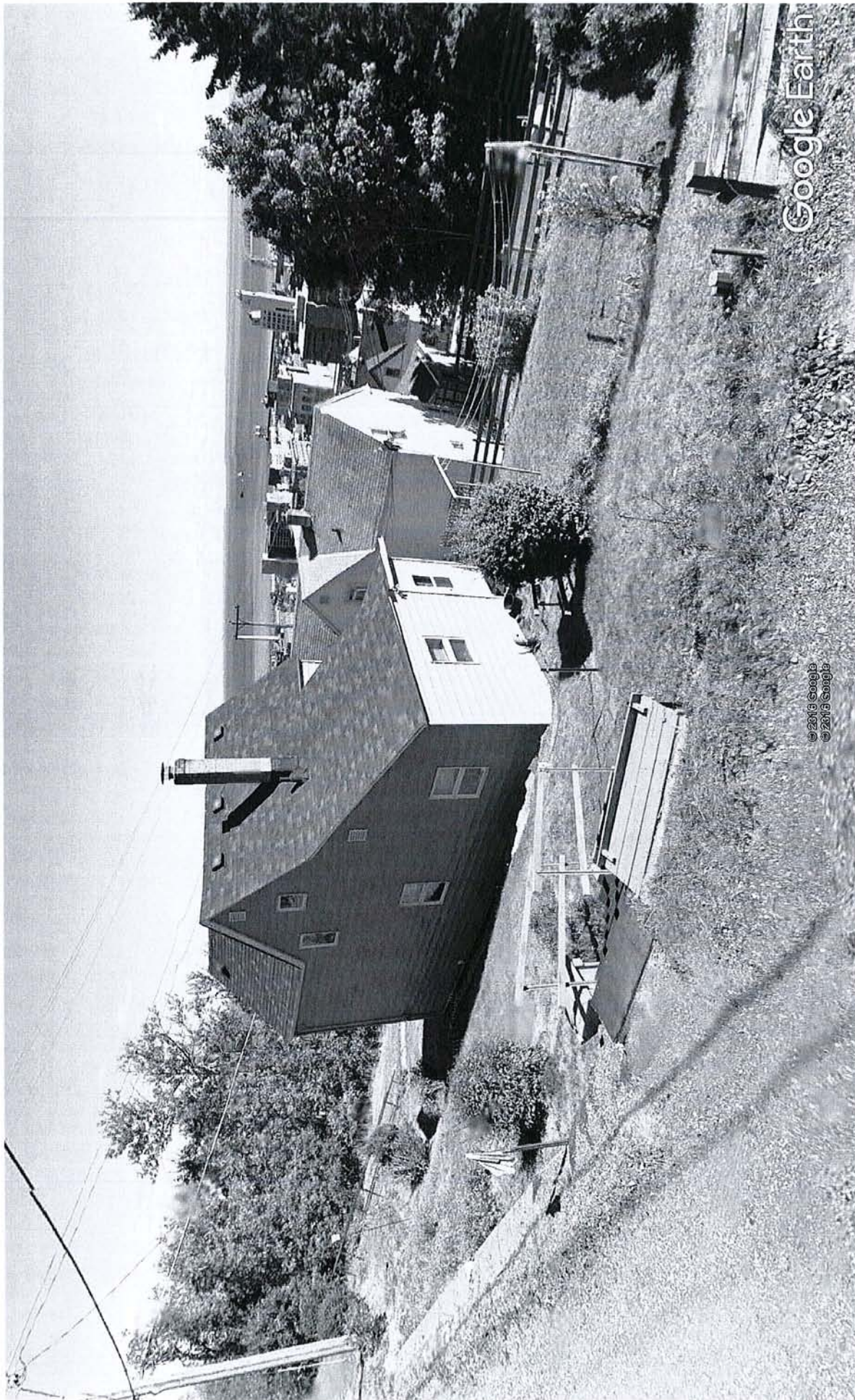




Google Earth

feet
meters

10
3



Google Earth

feet
meters

10

4

PL 16-142



Google Earth

feet 10
meters 3

To the city of Duluth and Whom It May Concern:

After measuring the parking spot I am sure that it meets the city's requirements as far as length and width (9' w X 17' l). However, if there is some questionability to how close it is to Pittsburgh Avenue, we would be able to build a small retaining wall and backfill the parking space in order to increase its size and set back from the road in the spring of 2017.

Thank you for your consideration. If you have any questions please reach out to me at 612-991-9517, Aaron Hornibrook



12/20/16

Path to Road

