



**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 16-106		<b>Contact</b>	Chris Lee, clee@duluthmn.gov	
<b>Type</b>	Interim Use Permit – Vacation Dwelling Unit		<b>Planning Commission Date</b>	October 11 2016	
<b>Deadline for Action</b>	<b>Application Date</b>	August 22, 2016	<b>60 Days</b>	October 21, 2016	
	<b>Date Extension Letter Mailed</b>	September 26, 2016	<b>120 Days</b>	December 20, 2016	
<b>Location of Subject</b>	712 South 63 <sup>rd</sup> Avenue West				
<b>Applicant</b>	Constance Moeller		<b>Contact</b>	connie.moeller@gmail.com	
<b>Agent</b>			<b>Contact</b>		
<b>Legal Description</b>	010-2360-00260, 010-2360-00280				
<b>Site Visit Date</b>	September 22, 2016		<b>Sign Notice Date</b>	September 27, 2016	
<b>Neighbor Letter Date</b>	September 26, 2016		<b>Number of Letters Sent</b>	27	

**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.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Single family residential	Traditional Neighborhood/Preservation
<b>North</b>	R-1	Single family residential	Traditional Neighborhood/Preservation
<b>South</b>	R-1	Single family residential	Traditional Neighborhood/Preservation
<b>East</b>	N/A	Harbor	Harbor
<b>West</b>	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 South 63<sup>rd</sup> 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 will act as managing agent.
- 3) Off-Parking for the will be provided as one spot in the garage and another parking spot on the driveway on the south side of the house.
- 4) The site plan submitted indicates there is an outdoor deck available. The site plan shows existing screening/buffering in the north side of the yard from the adjacent property. There is also an 8' tall hedge that screens the driveway from the southern property.
- 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, 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.
- 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.

**Legend**

**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

**Gas Distribution Main**

- 8" - 16" Gas Pipes
- 4" - 6" Gas Pipes
- 0" - 4" Gas Pipes

**Storm Sewer Collection System**

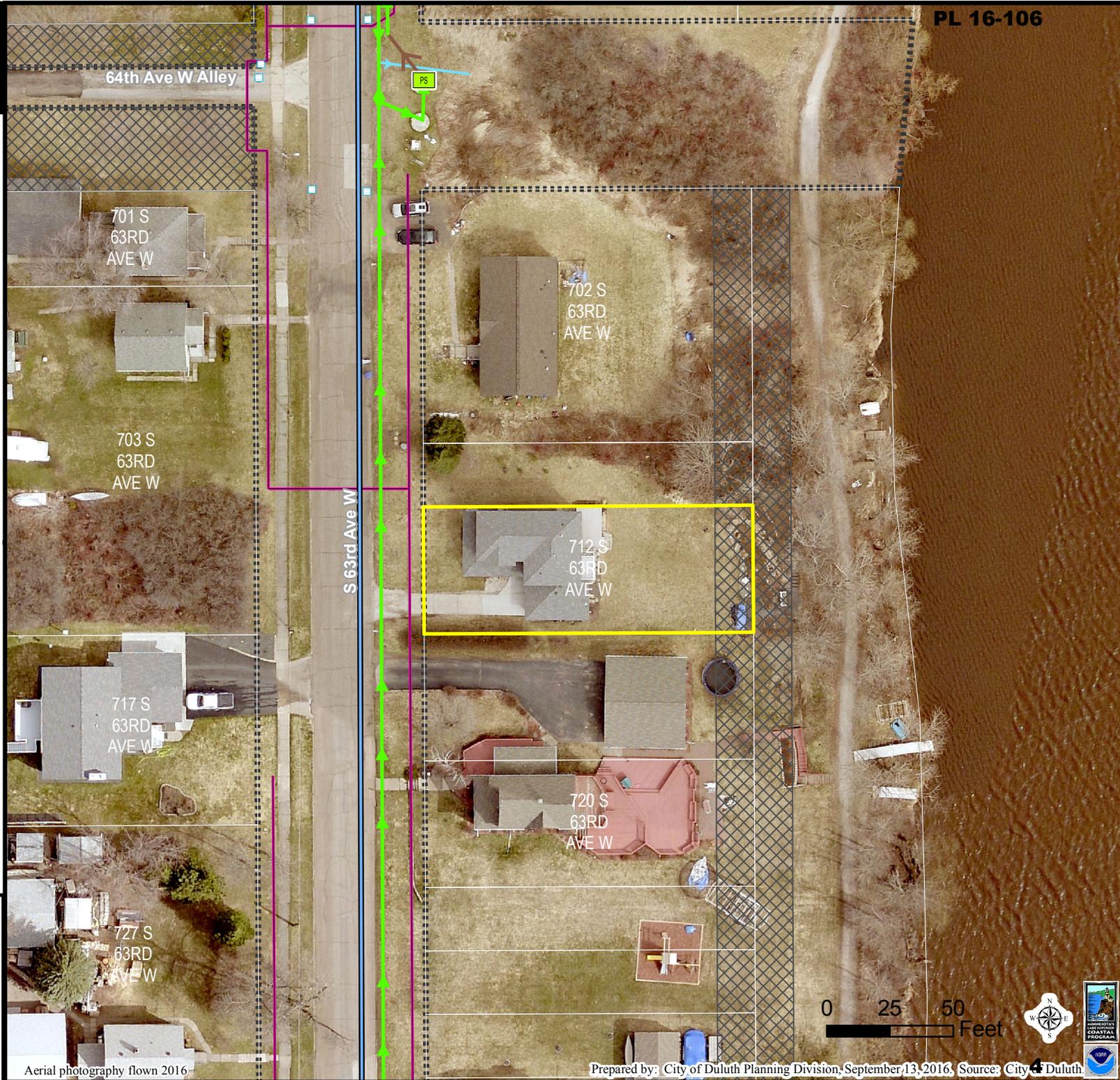
- Storm Sewer Pipe
- Storm Sewer Catch Basin

**Right-of-Way Type**

- Road or Alley ROW
- Vacated ROW

**Easement Type**

- Utility Easement
- Other Easement



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**Legend**

**Right-of-Way Type**

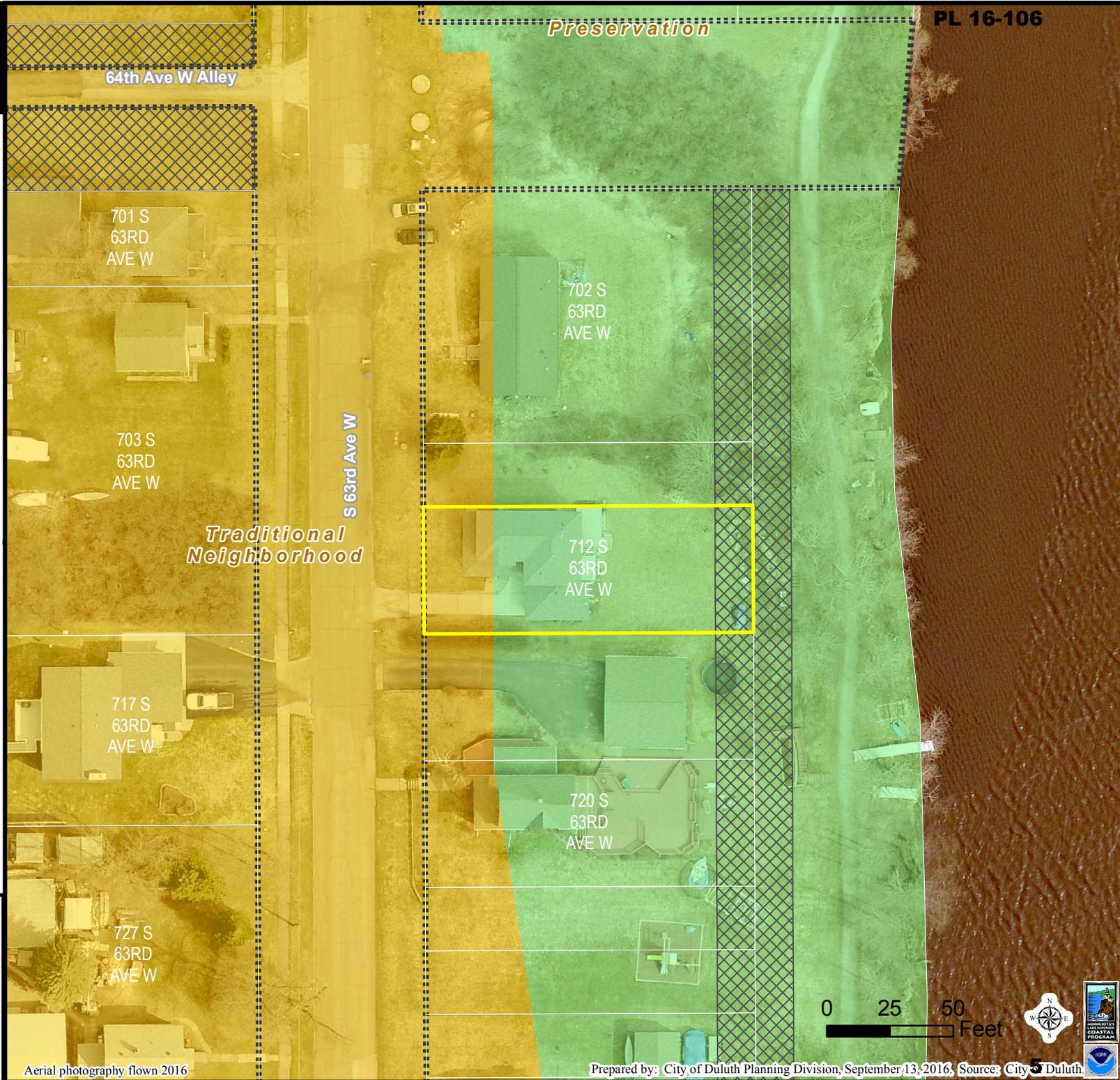
- Road or Alley ROW
- XXXXXX Vacated ROW

**Easement Type**

- - - - - Utility Easement
- □ □ □ Other Easement

**Future Land Use**

- Light Green: Preservation
- Light Green: Recreation
- Yellow-Green: Rural Residential
- Yellow: Low-density Neighborhood
- Orange-Yellow: Traditional Neighborhood
- Orange: Urban Residential
- Brown: Neighborhood Commercial
- Pink: Neighborhood Mixed Use
- Light Pink: General Mixed Use
- Red-Pink: Central Business Secondary
- Red: Central Business Primary
- Light Red: Auto Oriented Commercial
- Brown-Grey: Large-scale Commercial
- Grey: Business Park
- Blue-Grey: Tourism/Entertainment District
- Blue: Medical District
- Cyan: Institutional
- Magenta: Commercial Waterfront
- Purple: Industrial Waterfront
- Light Purple: Light Industrial
- Dark Purple: General Industrial
- Grey: Transportation and Utilities



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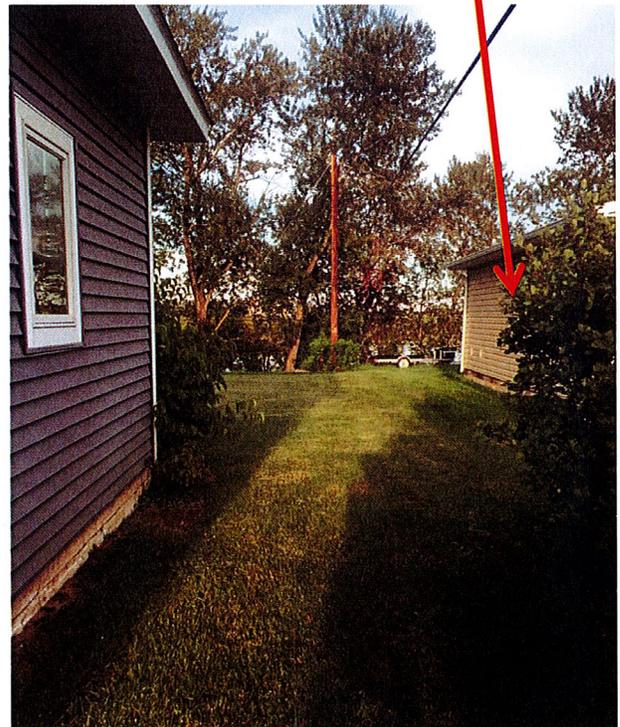
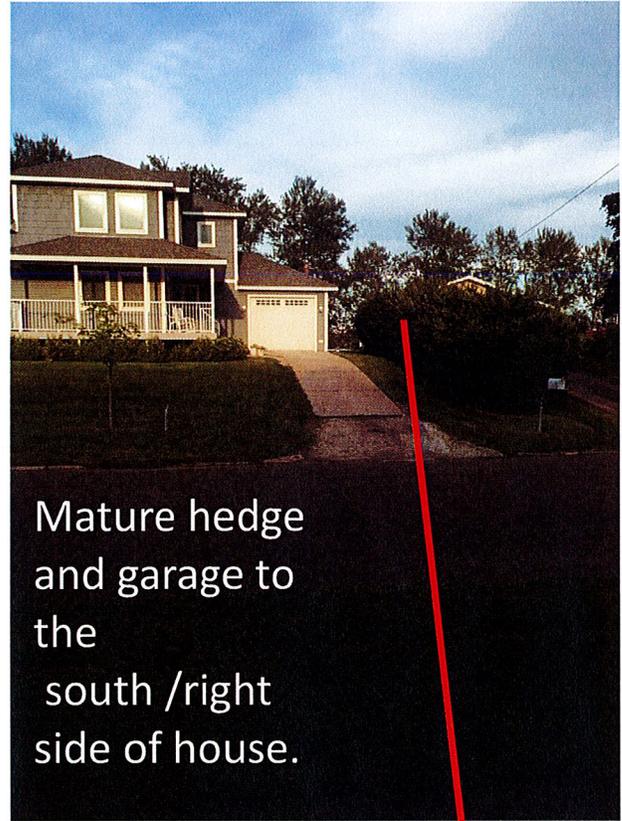
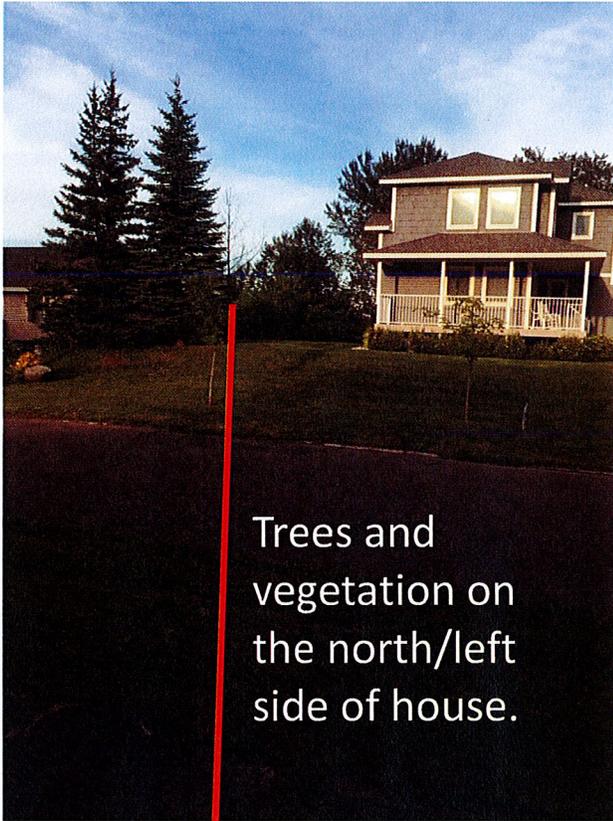
Notes

- 1. 8' hedge
- 2. wooded area to North
- 3. Wooded area to North
- 4. neighbor's garage
- 5. parking
- 6. guest's have access to back deck + yard



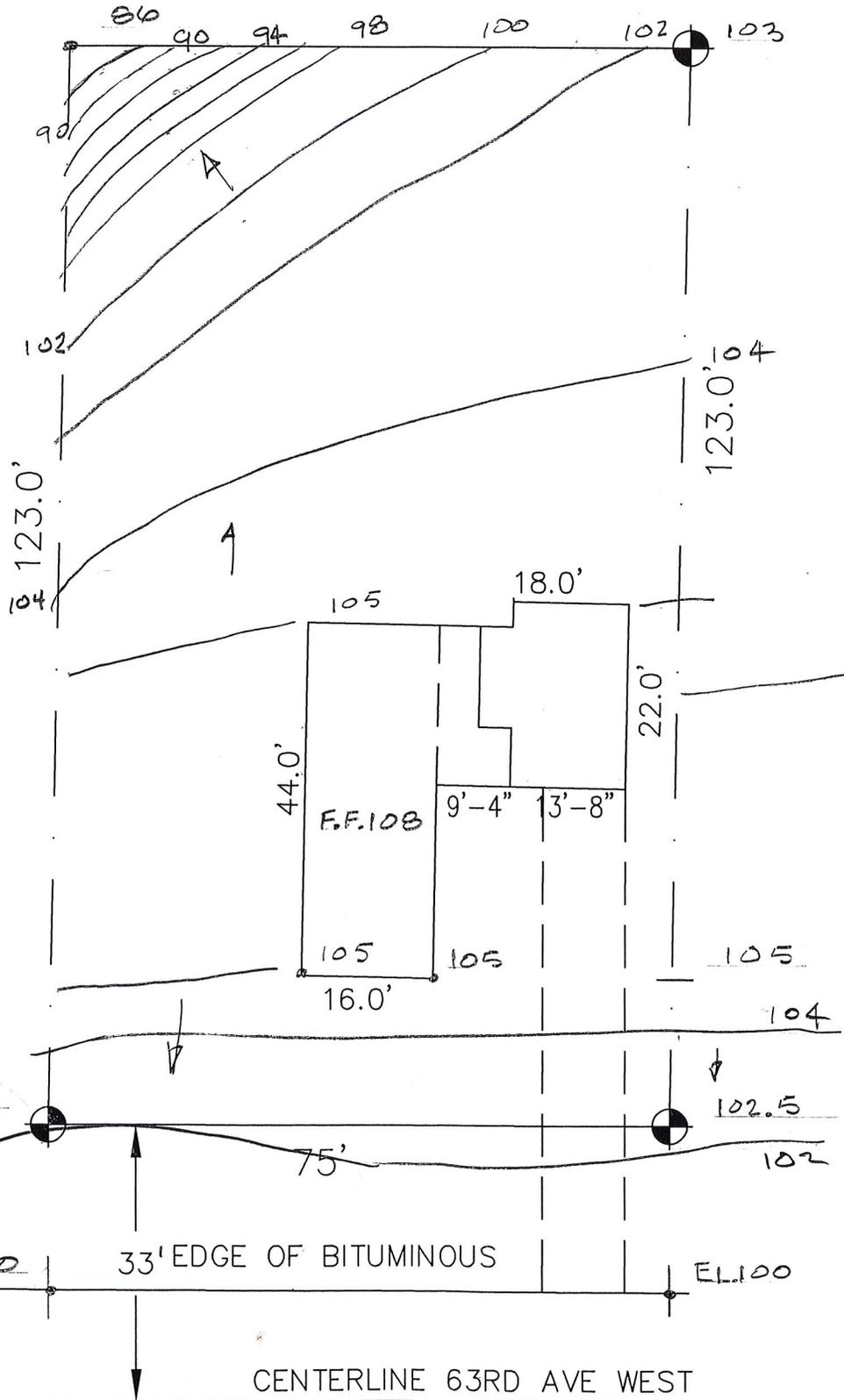
"vacated" Water Street

Photos to accompany Site Plan.



LOTS 25, 26, 27 OF REARRANGEMENT OF BLOCK 24  
HUNTER'S PARK ADDITION TO DULUTH AND PART OF  
VACATED FARRELL STREET.

Site Plan 2



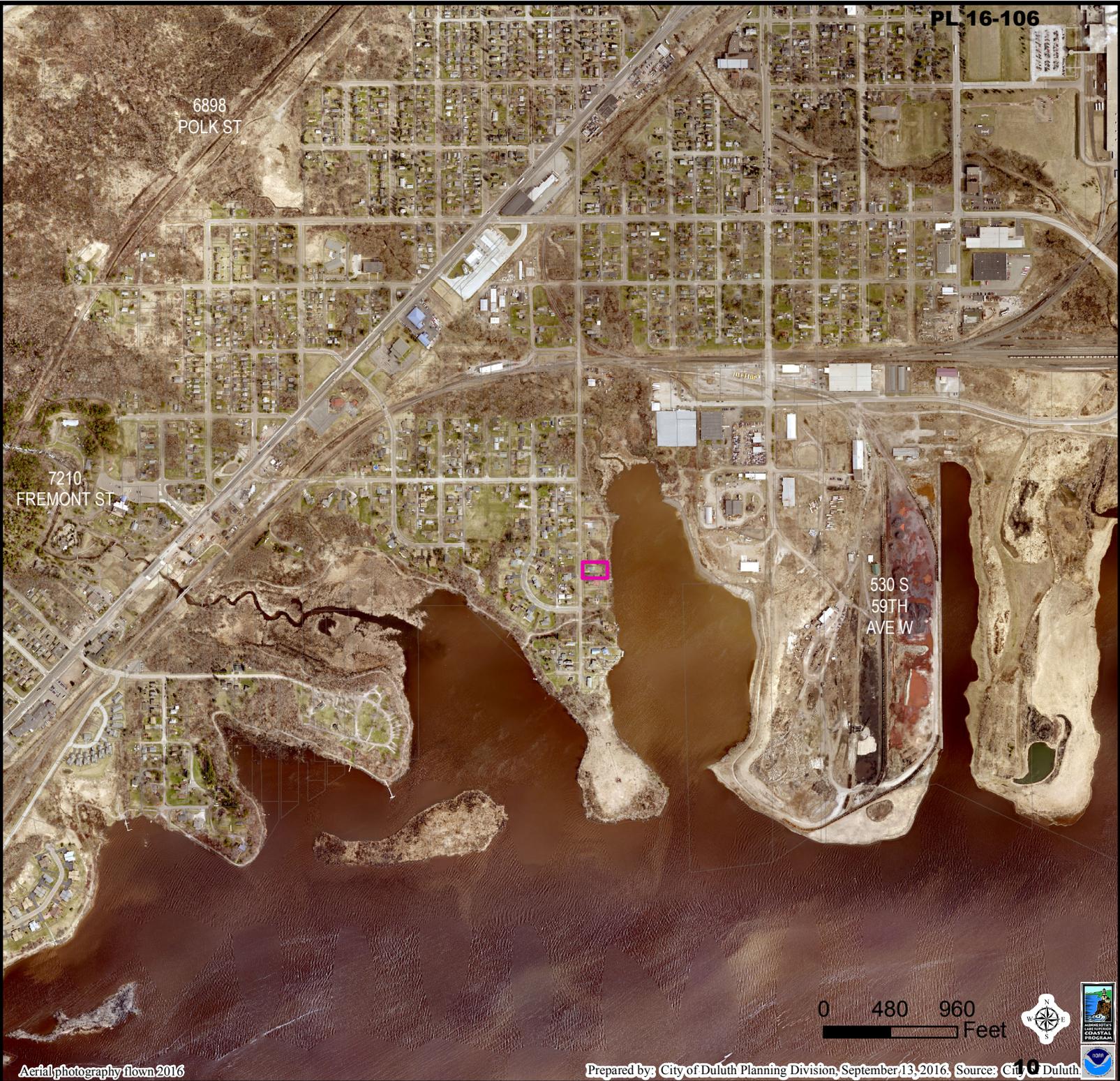
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**Legend**



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