



CITY OF DULUTH

Community Planning Division

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File Number	PL 18-160	Contact	Chris Lee, clee@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date	February 12, 2019	
Deadline for Action	Application Date	December 18, 2018	60 Days	February 16, 2019
	Date Extension Letter Mailed	January 11, 2019	120 Days	April 17, 2019
Location of Subject	1003 and 1005 Lake Ave S			
Applicant	Joel and Joy Johnson	Contact	lbb@lakeheadboatbasin.com	
Agent		Contact		
Legal Description	See Attached, PID: 010-438002120			
Site Visit Date	January 31, 2019	Sign Notice Date	January 29, 2019	
Neighbor Letter Date	January 31, 2019	Number of Letters Sent	23	

Proposal

This is a renewal for permit PL13-006. Applicant proposes to use two homes with three bedrooms each for vacation rentals. Up to seven people will be allowed to stay in each home. 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	Two-Family Dwelling	Traditional Neighborhood
North	R-1	Single Family Home	Traditional Neighborhood
South	R-1	Vacant	Traditional Neighborhood
East	R-1	Single Family Home	Traditional Neighborhood
West	R-1	Boat Storage	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

- 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

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) Applicant's property is located at 1003 and 1005 Lake Avenue South. The proposed vacation dwelling units contain 3 bedrooms each, which would allow for a maximum of 7 guests per structure.
- 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 (Lakehead Boat Basin, Mr. and Mrs. Johnson) will serve as the managing agents.
- 3) Parking for 4 vehicles will be located in the garages for the structures; 4 additional vehicles can be parked on the shared driveway. There will be trailer or motorhome parking at this location in the same driveway
- 4) The site plan indicates no outdoor amenities on the property.
- 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) Applicants have obtained 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 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.
- 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.



PL18-160: CUP
1003-1005 S Lake Ave

939 S
Lake Ave

Legend

- Gas Main
- Water Main
- Hydrant

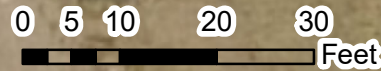
Sanitary Sewer Mains

- CITY OF DULUTH
- WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station

Storm Sewer Mains

- Storm Sewer Pipe
- Storm Sewer Catch Basin

Zoning Boundaries

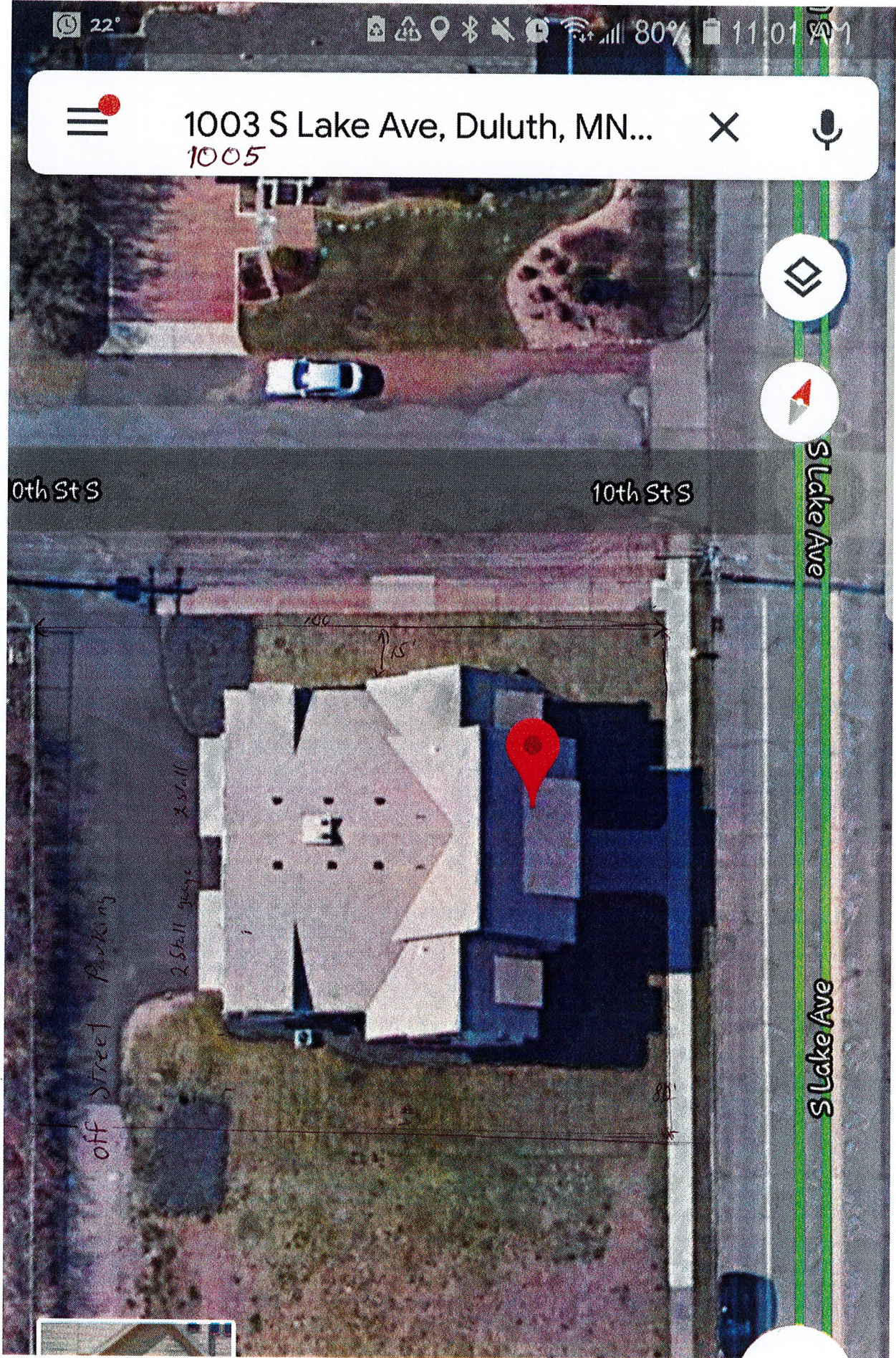


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Aerial photography flown 2016

Prepared by: City of Duluth Community Planning Division, January 17, 2019, Source: City of Duluth.

No changes same as original
no outdoor structures
80x100 Lot



off street parking

2 stall garage & stall

200
15

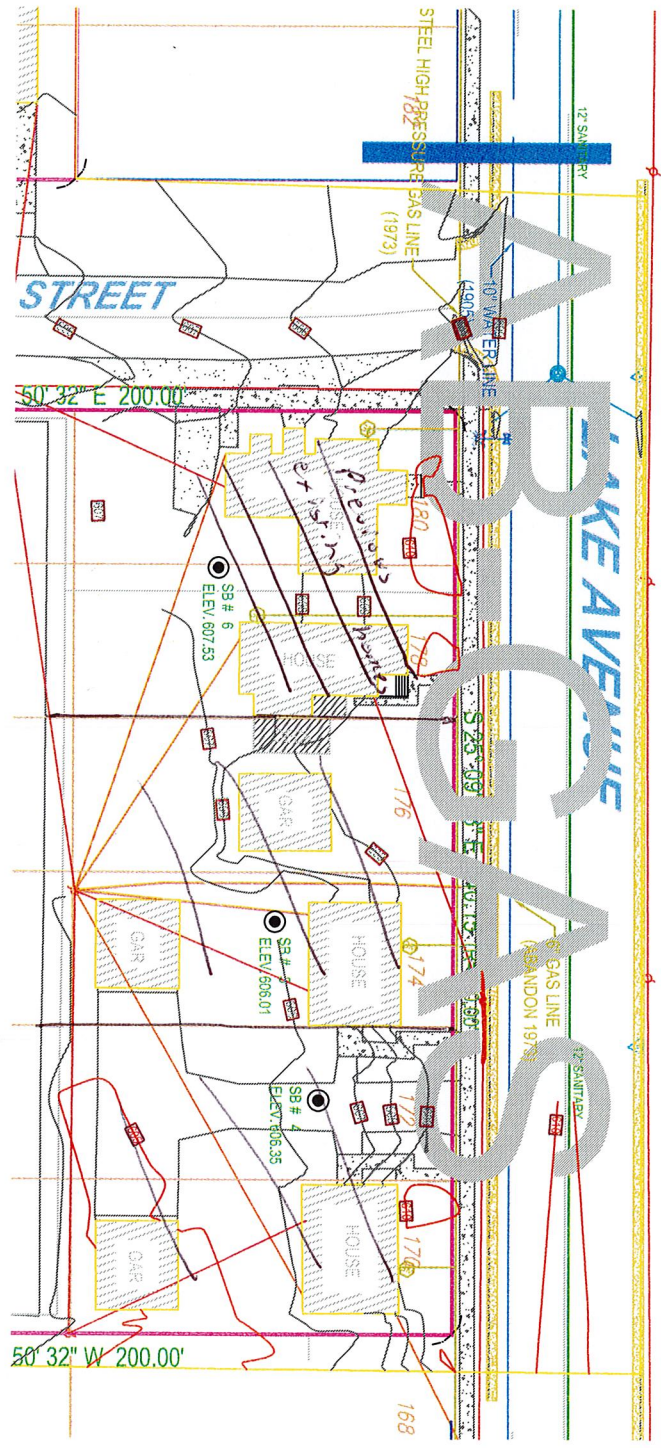
10th St S

10th St S

S Lake Ave

S Lake Ave

181	179	177	175	173	171	169	167
				2" STEEL HIGH PRESSURE GASLINE (1973)			





PL18-160: CUP
1003-1005 S Lake Ave

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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