



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 19-038	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date	March 14, 2019	
Deadline for Action	Application Date	April 10, 2019	60 Days	June 9, 2019
	Date Extension Letter Mailed	April 18, 2019	120 Days	August 8, 2018
Location of Subject	1235 Minnesota Avenue			
Applicant	Lake View Land Co., LLC	Contact		
Agent	Heirloom Property Management	Contact		
Legal Description	See Attached, PID: 010-4390-01940			
Site Visit Date	May 2, 2019	Sign Notice Date	April 30, 2019	
Neighbor Letter Date	April 30, 2019	Number of Letters Sent	19	

Proposal

Applicant proposes use of the principle dwelling with two bedrooms 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	Residential	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood/Recreation
West	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 an Interim Use Permit to operate 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) The applicant's property is located at the "S Curve" (South Lake Avenue and Minnesota Avenue) on Park Point. The lot has two units, a principle dwelling unit and an accessory dwelling unit. The principle dwelling unit has two 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's agent 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. The site plan shows existing screening/buffering on the west side of 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) 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 will 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, in writing, stating that quiet hours shall be observed between the hours of 10 p.m. and 8 a.m.
- 4) The applicant must disclose to all guests, in writing, the location of the nearest legal access to the Lake Superior beach.



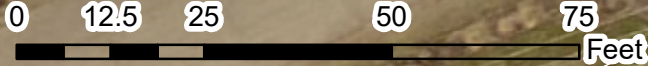
PL 19-038 & 39
Interim Use Permit
Vacation Dwelling Unit



Legend

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.

Aerial photography flown 2016



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



Legend

Zoning Boundaries



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



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; open per city code
- 15m; pour 3
- Cornduik squares
- construct 2 side x side parking spots @ a minimum of 9 x 17 each

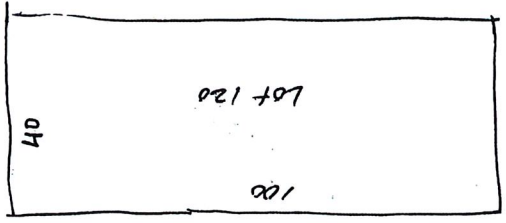
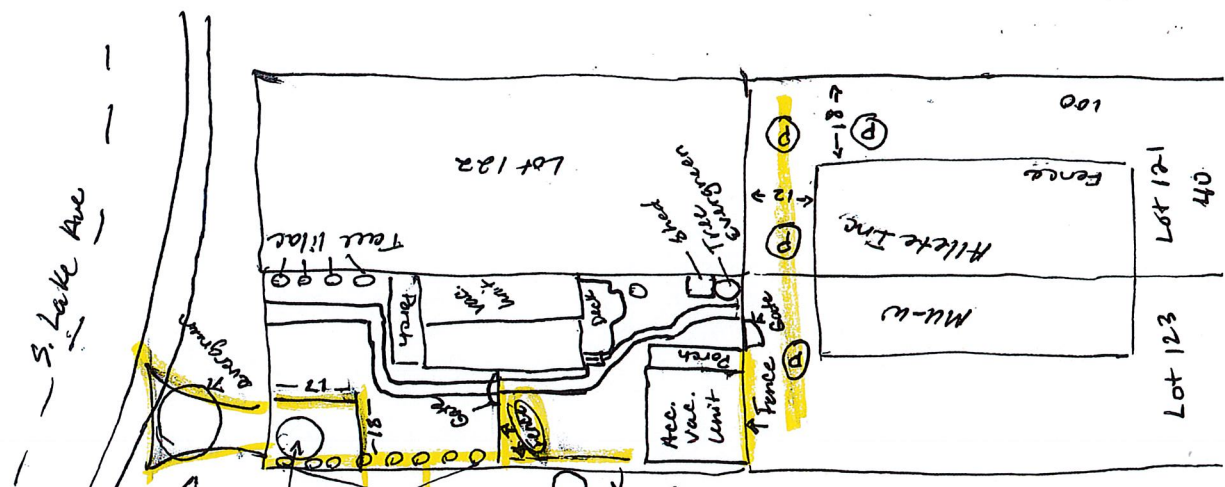
C highlighted

* may choose to utilize license by Alite for personal use

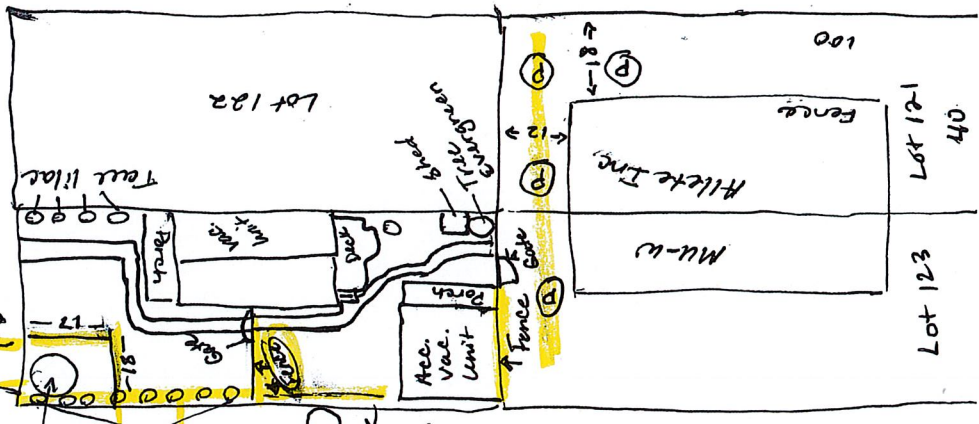
* Evergreen & Maple removed for parking pad / curb **(highlighted)**

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

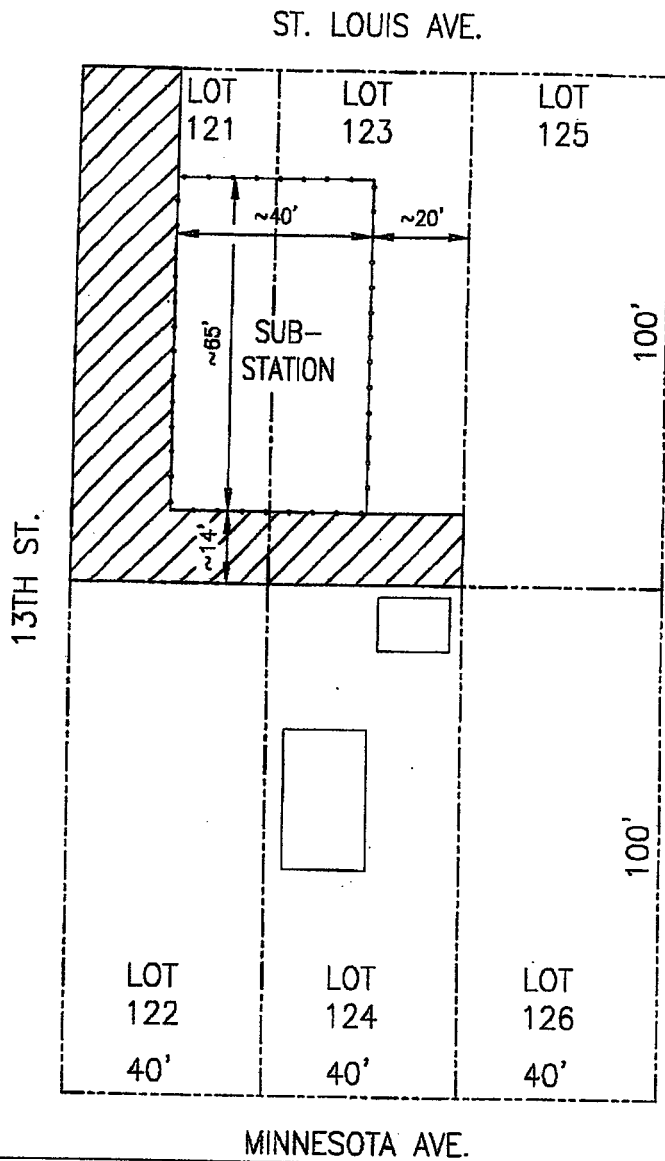
P = parking minimum 12m. 21m. 21m. 21m.



18 x 54

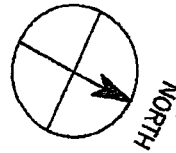


CADD DRAWING - FOR REPRODUCTION ONLY



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:



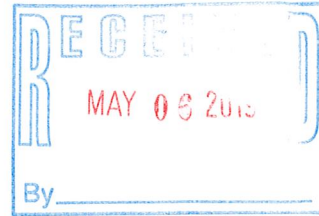
DR.	CHK.
APPROVED	
DATE	6/2/16

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

SH. 1	REV. 0
APPENDIX A	

Robert Fierek
312 Harbor Point Circle
Duluth, MN 55802

Duluth Planning Commission
411 West First street
Room 110
Duluth, MN 55802



Re: Interim Use Permit PL19-038 and PL 19-039

Dear Commission,

I am against granting a conditional use permit to the property owned by Lakeview Land Company, LLC located at 1235 Minnesota Avenue, Duluth MN 55802; on Park Point. This is and has been a residential neighborhood for many years. Granting a conditional use permit changes the face of this neighborhood from what has traditionally been a residential neighborhood occupied by an owner to an income producing property with potentially many short term tenants. I am sympathetic to the needs of Lakeview Land Company, LLC, but granting this type of permit sets a precedent for Park Point to become a short term rental area rather than the family neighborhood it has been in the past.

There are more appropriate areas in the city for this type of growth that do not have the potential impact of said property. I would prefer that the area remain or revert to the family neighborhood that it has traditionally been, rather than being used as a short term rental that benefits Lakeview Land at the expense of the neighborhood. Short term rentals will bring additional "in a hurry" and "in and out" faceless traffic and many short term tenants to the neighborhood. My preference is that the place be used as a home for someone and not a short term rental.

As such, it is my feeling and request that an Interim Use Permit be denied. If such a permit is granted, how long until everyone turns their homes into short term rentals and the neighborhood changes?

Respectfully,

Robert Wm Fierek