



CITY OF DULUTH
Community Planning Division

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File Number	PL 18-033	Contact	Chris Lee, cleee@duluthmn.gov	
Type	Interim Use Permit, Vacation Rental - Renewal	Planning Commission Date	May 8, 2018	
Deadline for Action	Application Date	March 13, 2018	60 Days	May 12, 2018
	Date Extension Letter Mailed	March 19, 2018	120 Days	July 11, 2018
Location of Subject	416 88th Avenue West			
Applicant	Lawrence Telega	Contact	larrytelega@gmail.com	
Agent		Contact		
Legal Description	010-2550-05162			
Site Visit Date	April 23, 2018	Sign Notice Date	April 24, 2018	
Neighbor Letter Date	April 20, 2018	Number of Letters Sent	19	

The applicant would like to use his home as a vacation rental property. A vacation dwelling unit allows rentals for 3 to 29 days, with a minimum of 2 nights. This is a renewal of an interim use permit to allow an existing vacation rental to operate.

	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	I-G	Undeveloped	Recreation
West	R-1	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 met.

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):

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 applicants currently have an existing interim use permit for a vacation rental on the property that was approved on August 11, 2015 (PL 15-103). These interim use permits expire after 6 years or if the property changes owners.

Note: Interim Use Permits are approved, approved with recommendations, or denied by the City Council by resolution after a public hearing is held by the Planning Commission. Interim Use Permits expire if the project or activity authorized by the permit is not begun within 1 year.

Review and Discussion Items

Staff finds that:

- 1) Applicant is applying for an Interim Use Permit. This application is a renewal for an existing interim use permit to operate a vacation rental. The minimum rental period shall not be less than 2 nights and no more than 29 nights
- 2) A time limit on this Interim Use is needed to verify that the Vacation Dwelling Unit can function without negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Typically Planning Staff recommends that the City Council resolution states that approval shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 3) The applicant owns a portion of an outlot in Ironton 4th Division of Duluth; the lot is total 120 feet wide by 120 feet long. According to St. Louis County records, the home was built in 1958 and has a gross area of 1,216 sq. ft. and has 3 bedrooms. There is also a 912 square foot garage, built in 1985.
- 4) The applicant will rent out all 3 bedrooms, allowing a maximum of 7 guests at any one time. The applicant will provide two off street parking spaces in his driveway.
- 5) 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.
- 6) The applicant has not provided any plans showing additional buffering/screening. Based on the location, staff do not believe additional screening is required to reduce land use conflicts between uses.
- 7) Applicant has obtained all the necessary permits and licenses to operate a vacation rental.
- 8) 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").
- 9) No public, agency, or City comments were received.

Staff Recommendation

Based on the above findings, Staff recommends that Planning Commission recommend approval subject to the following:

- 1) 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 to the City Council (guest record book including name, address, phone number and vehicle license plate; name, address, and phone number of local contact/managing agent to property owners within a 100 feet; rules of how the property can be used must be provided to guests including selected city ordinances on parking, parks, pets and noise; and acknowledge that interim use permit may be suspended in the event of multiple nuisance calls).
- 2) No burning of trash on the property.
- 3) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission review; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

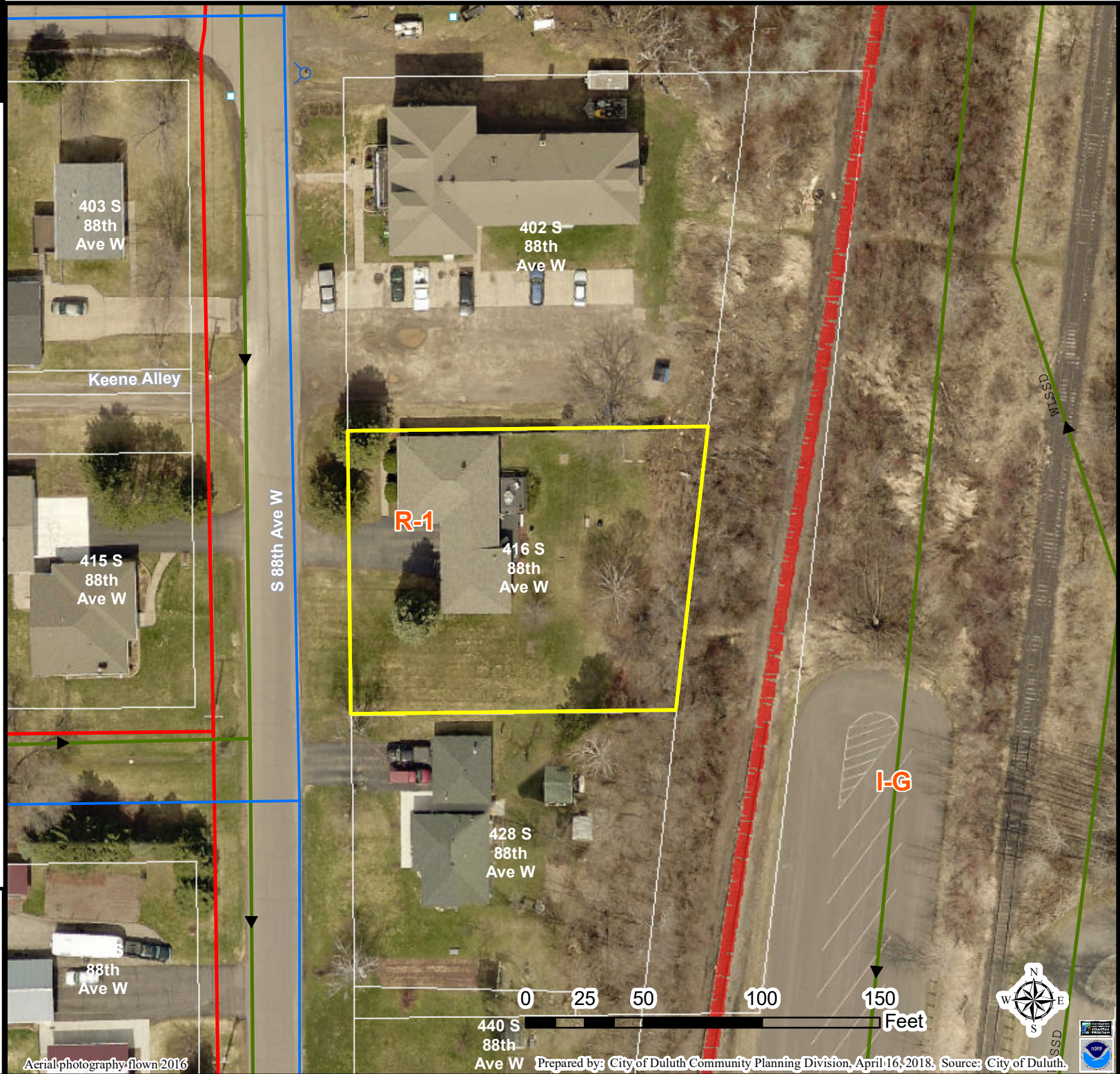


PL 18-033: IUP Vacation Rental
416 88th Ave West

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**
- Trout Stream (GPS)
- - - Other Stream (GPS)

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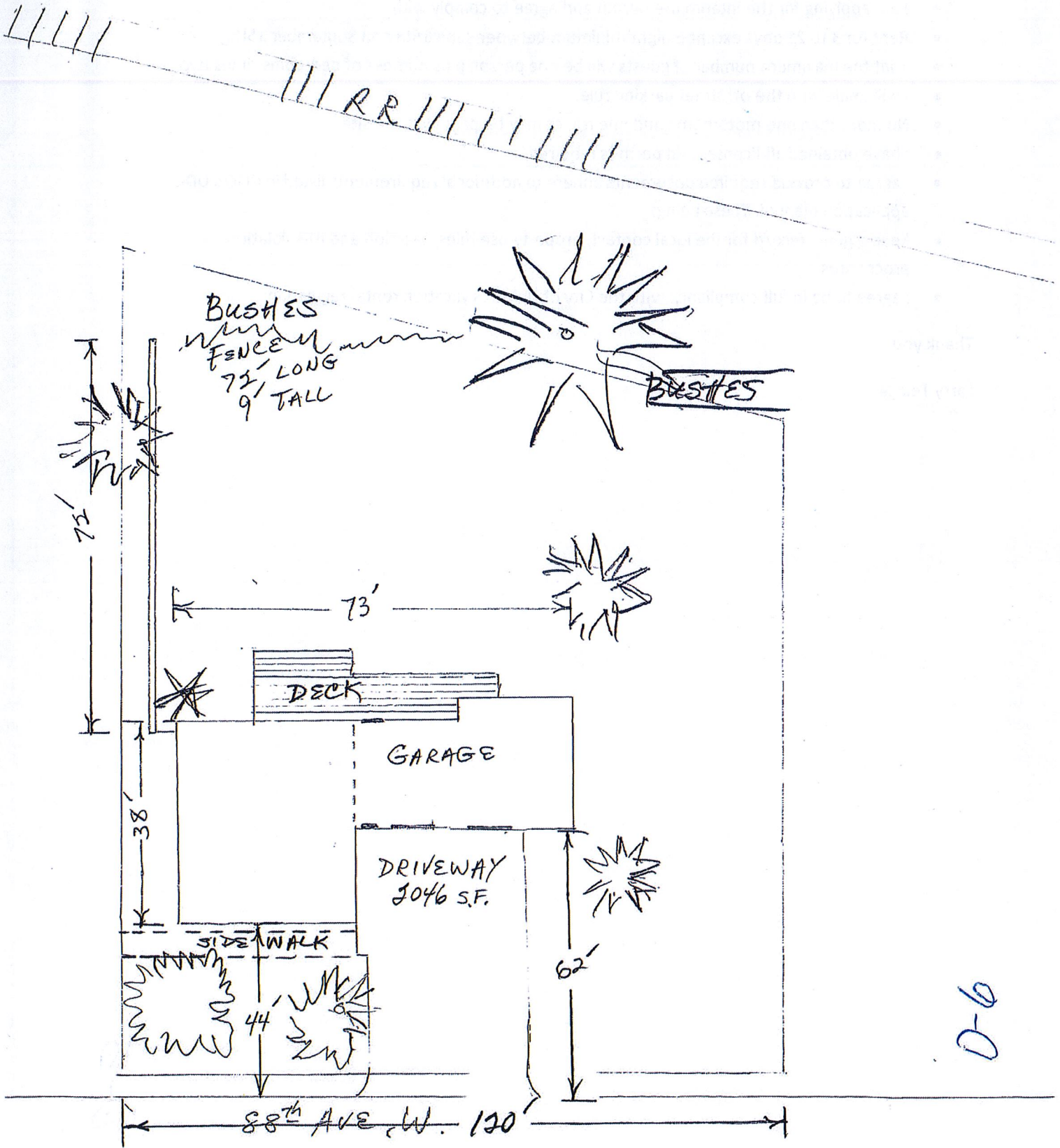


Aerial photography: flown 2016

440 S
88th
Ave W

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SITE PLAN
AND
LANDSCAPE PLAN



D-6



PL18-033: IUP
416 88th Ave W



Legend

- Vacated ROW
- Easement Type**
- Utility Easement
- Other Easement
- Zoning Boundaries

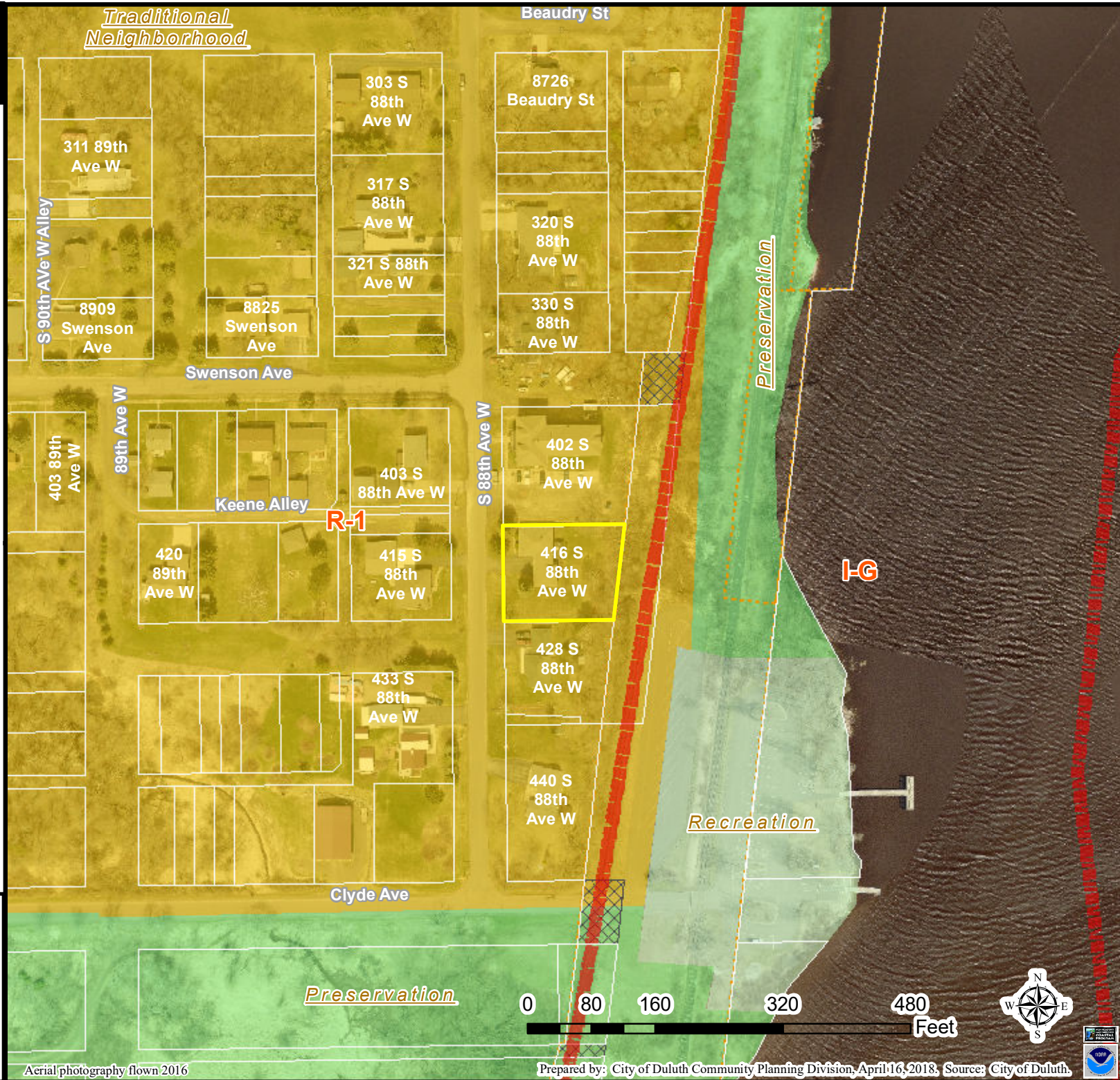
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PL18-033: IUP
416 88th Ave W



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- Vacated ROW
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