

Date: April 19, 2022

NOTICE OF APPEAL

To: City Clerk Ian B Johnson
City Hall Room 318
411 West 1st Street
Duluth MN 55802

And ibjohnson@duluthmn.gov

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APR 19 2022
CITY OF DULUTH
CITY CLERK'S OFFICE

Re: Appeal of Decision of Duluth Planning Commission granting an Interim Use Permit (PL22-039) for a Vacation Dwelling at 120 Aspen Lane by Predictable, LLC

Dear City Clerk Johnson:

Please be advised that we appeal the Planning Commission decision in PL22-039 set forth above to the Duluth City Council pursuant to Duluth City Code Section 50-37-4.

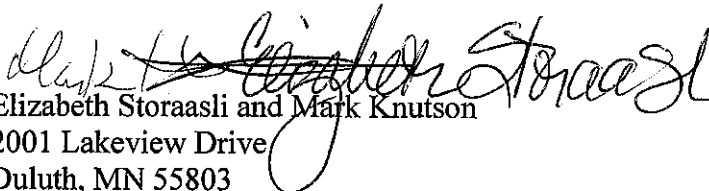
The grounds for appeal are:

1. The Planning Commission's decision was arbitrary and capricious, an abuse of discretion and contrary to law.
2. The Planning Commission did not consider the record of the application and the testimony presented at the hearing, in violation of Duluth Code Section 50-37. The Commission decision ignored and did not address the written and oral factual record before it.
3. The Planning Commission decision granting the Interim Use Permit violates Chapter 50-14.5 in that it allows a commercial business to be operated in an R-1 zone without specific findings of fact that Duluth Code Section 50.14.5 is not violated.
4. The Planning Commission decision granting the Interim Use Permit is in violation of the controlling Comprehensive Plan Sections #4 (Support emerging economic growth sectors), #5 (Strengthen neighborhoods), #6 (Reinforce the "place-specific" "ravine park") and #7 (Create and maintain connectivity).
5. The Planning Commission decision violates the "Imagineduluth 2035" key policies addressing Housing in that it does not provide affordable, attainable housing opportunities for people who want to live in Duluth, but instead provides temporary housing for tourists. It does not improve the quality of the City's neighborhoods for "members of the community". It does not maintain unique community characteristics within the distinct individual neighborhood.
6. The Planning Commission decision violates the Comprehensive Plan by relying solely on Comprehensive Plan Governing Principle #8 (Encourage mix of activities, uses and densities) which is inapplicable to R-1 zones and fails to protect investment as required by #8.
7. There is a substantial shortage of houses for sale in Duluth and keeping this property off the market will exacerbate that continuing shortage and make it difficult for people to move here and enhance our economy and community

8. There can be unlimited vacation rentals in Form Districts and they can replace this property as a tourist destination.

9. The Planning Commission's decision, insofar as it implements the City Council's "grand compromise" of placing vacation rental in all neighborhoods including R-1, regardless of the specific facts and without regard to the impact on the individual neighborhood in violation of the Comprehensive Plan and Imagineduluth 2035, is arbitrary, capricious, an abuse of discretion and contrary to law.

Respectfully submitted,


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