



**Planning & Development Division**  
*Planning & Economic Development Department*

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580

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<b>File Number</b>	PL 19-125	<b>Contact</b>	Chris Lee, clee@duluthmn.gov	
<b>Type</b>	Interim Use Permit Renewal – Vacation Dwelling Unit	<b>Planning Commission Date</b>	September 10, 2019	
<b>Deadline for Action</b>	<b>Application Date</b>	August 15, 2019	<b>60 Days</b>	October 23, 2019
	<b>Date Extension Letter Mailed</b>	August 23, 2019	<b>120 Days</b>	December 22, 2019
<b>Location of Subject</b>	1004 Minnesota Ave			
<b>Applicant</b>	Petra Properties	<b>Contact</b>	Steve Peters	
<b>Agent</b>	Francine Spears	<b>Contact</b>		
<b>Legal Description</b>	Lot 179 Block 0, Upper Duluth Lake Avenue (010-4380-00900)			
<b>Site Visit Date</b>	August 24, 2019	<b>Sign Notice Date</b>	August 27, 2019	
<b>Neighbor Letter Date</b>	August 26, 2019	<b>Number of Letters Sent</b>	37	

**Proposal**

Applicant proposes to use the house with 4 bedrooms for vacation rental. Up to 9 people will be allowed to stay in the home. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of 2 nights.

Staff is recommending that planning commission recommend approval.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	One-family dwelling	Traditional Neighborhood
<b>North</b>	R-1	Undeveloped street	Traditional Neighborhood
<b>South</b>	R-1	Dwellings	Traditional Neighborhood
<b>East</b>	R-1	Park Point Beach	Preservation
<b>West</b>	R-1	Dwellings	Traditional Neighborhood

**Summary of Code Requirements:**

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the 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



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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 #5 - Strengthen neighborhoods

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.

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 1004 South Lake Avenue. The proposed vacation dwelling units contain 4 bedrooms, which would allow for a maximum of 9 guests. This 1,985 square foot traditional home was constructed in 1891.
- 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 has listed Francine Spears to serve as the managing agent.
- 3) The site has room for 6 vehicles to be parked on the driveway and off the street as required by the UDC. There will be a space for a single trailer in the garage on the property.
- 4) The applicant has indicated that there will be a picnic table and a grill for use by renters and it is adequately screened.



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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 obtained the City of Duluth Tourism Tax license, the Minnesota Department of Health Lodging License, have a Tax ID number, a fire operational permit, and 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) No fires on the beach.
- 4) 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.



PL 19-125: Interim Use Permit  
1004 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

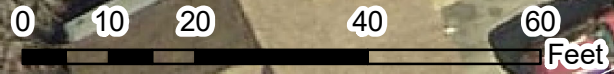
**Storm Sewer Mains**

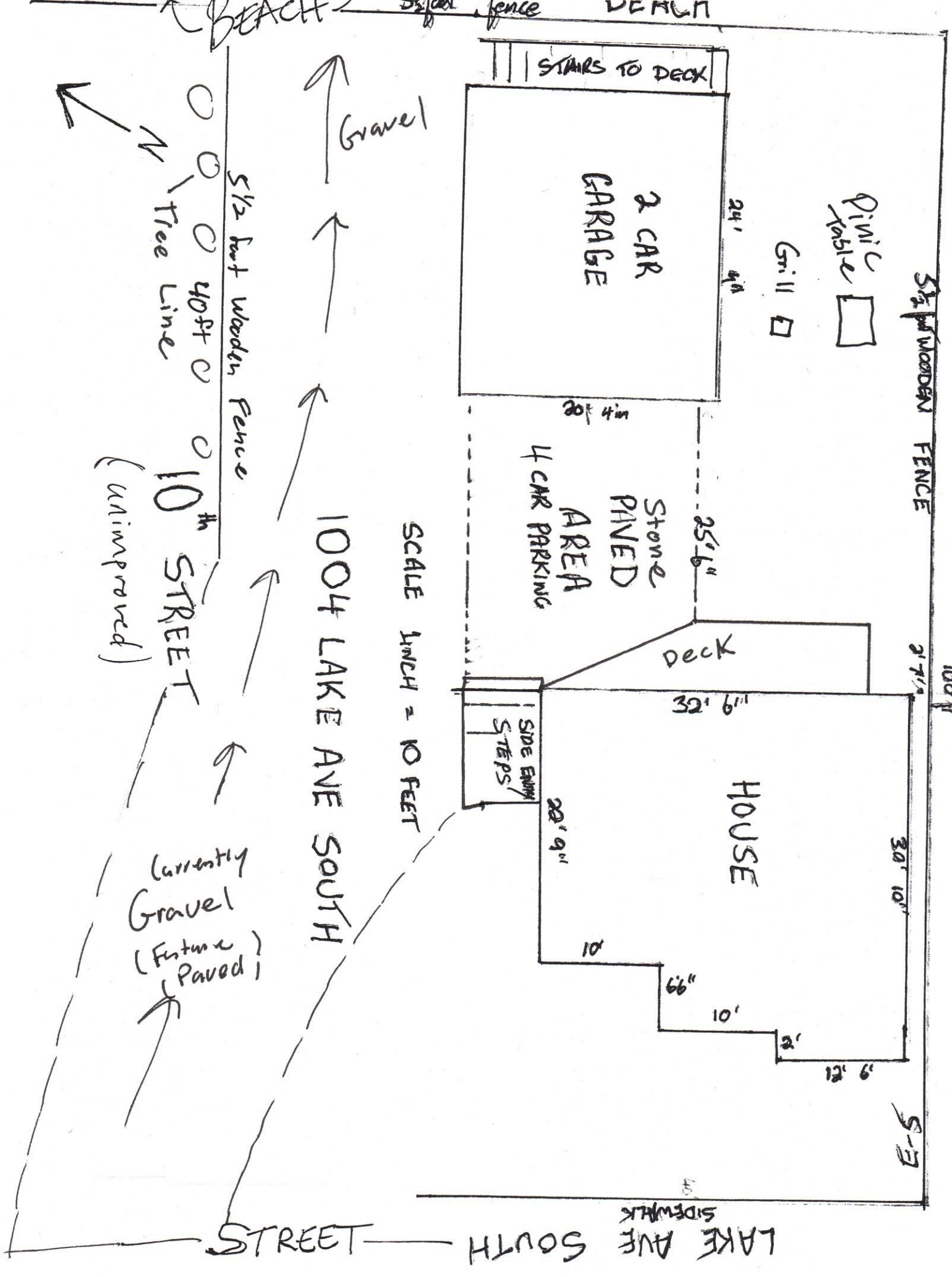
- Storm Sewer Pipe
- Storm Sewer Catch Basin

Zoning Boundaries

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 2019







1004 South Lake Ave



**Legend**  
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Aerial photography flown 2019

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

