



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 17-044	Contact	Chris Lee, cleee@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date		April 11, 2017
Deadline for Action	Application Date	March 8, 2017	60 Days	May 7, 2017
	Date Extension Letter Mailed	March 18, 2017	120 Days	July 6, 2017
Location of Subject	1505 S. Lake Ave			
Applicant	TJ and Val Kennedy	Contact	1505 South Lake Ave	
Agent		Contact		
Legal Description	LOTS 78 AND 80 UPPER DULUTH LAKE AVENUE PID: 010-4380-01620			
Site Visit Date	March 25, 2017	Sign Notice Date		March 28, 2017
Neighbor Letter Date	March 23, 2017	Number of Letters Sent		24

Proposal

Applicant proposes use of a single family home with 5 legal 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	Traditional Neighborhood
North	P-1	Residential Traditional	Traditional Neighborhood
South	R-1	Residential Traditional	Traditional Neighborhood
East	R-1	Residential Traditional	Traditional Neighborhood
West	R-1	Residential Traditional	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

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 on 1505 South Lake Avenue. The proposed vacation dwelling unit has 5 bedrooms, which would allow for a maximum of 11 guests.
- 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 designated Chelsea Davidson as the managing agent.
- 3) Parking for the house is located in the attached garage on the north side of the parcel along with six off-street parking spaces.
- 4) The site plan indicates that there is a wooden deck off the east side of the home as well as a fire pit as exterior amenities. The site plan indicates buffering on three sides of the home.
- 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 completed a life safety inspection, the Minnesota Department of Health Lodging License and has provided a tax ID number. The applicant will need to provide the Hotel/Motel License and the City of Duluth Tourism Tax 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 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
- 5) The applicant will inform guests that the burning of trash in outdoor fire pits is prohibited.



City Planning

PL 17-044: IUP
1505 South Lake Ave

Legend

-  Trout Stream (GPS)
-  Other Stream (GPS)
- Zoning Boundaries**
-  Zoning Boundaries
- Water Distribution System**
-  30 - 60" Water Pipe
-  16 - 24" Water Pipe
-  4 - 6" Water Pipe
- Sanitary Sewer Collection System**
-  Sanitary Sewer Collector
-  Sanitary Sewer Interceptor
-  Sanitary Sewer Forced Main
-  Storage Basin
-  Pump Station
- Gas Distribution Main**
-  8" - 16" Gas Pipes
-  4" - 6" Gas Pipes
-  0" - 4" Gas Pipes
- Storm Sewer Collection System**
-  Storm Sewer Pipe
-  Storm Sewer Catch Basin
-  Wetlands (NRRI)
-  Vacated ROW
- Easement Type**
-  Utility Easement
-  Other Easement

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Aerial photography flown 2016

Prepared by: City of Duluth Planning Division, February 19, 2016. Source: City of Duluth.

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


















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DULUTH, MN 55802

POWER
POLE

