



**CITY OF DULUTH**  
Community Planning Division

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

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Residential Traditional	Traditional Neighborhood
<b>North</b>	P-1	Residential Traditional	Traditional Neighborhood
<b>South</b>	R-1	Residential Traditional	Traditional Neighborhood
<b>East</b>	R-1	Residential Traditional	Traditional Neighborhood
<b>West</b>	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 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

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 with 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. Applicants 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 a 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.

## Legend

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

## Zoning Boundaries

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## Water Distribution System

30 - 60" Water Pipe

16 - 24" Water Pipe

===== 4 - 6" Water Pipe

### Sanitary Sewer Collection System

#### Sanitary Sewer Interceptor

Sanitary Sewer Inlet  
Sanitary Sewer End

81

PS Pump Station

## Gas Distribution Main

#### 8 - 16" Gas Pipes

## 4" - 6" Gas Pipes

**0" - 4" Gas Pipes**

## Storm Sewer Collection S

 Storm Sewer Pipe

## Storm Sewer Catch

 Wetland

A small icon consisting of a yellow square with a black cross-hatch pattern inside, representing a vacated right-of-way.

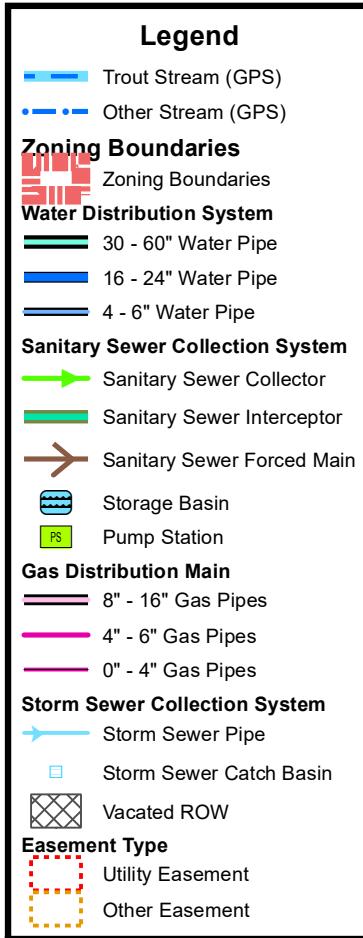
Vacated ROW

### Easement Type

## Utility Easement

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.





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DULUTH, MN 65802

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## CONCRETE DRIVEWAY AND PARKING 2 CARS

FOR AT LEAST 4 CARS

Delivery to  
Process

1050

List 28

TALL LILAC BUSHES  
- SECRET

