



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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

<b>File Number</b>	PL 19-129	<b>Contact</b>	John Kelley, jkelley@duluthmn.gov	
<b>Type</b>	Interim Use Permit Renewal – Vacation Dwelling Unit	<b>Planning Commission Date</b>		October 8, 2019
<b>Deadline for Action</b>	<b>Application Date</b>	August 20, 2019	<b>60 Days</b>	October 27, 2019
	<b>Date Extension Letter Mailed</b>	September 5, 2019	<b>120 Days</b>	December 26, 2019
<b>Location of Subject</b>	3330 Minnesota Avenue			
<b>Applicant</b>	Pat & Bill Burns	<b>Contact</b>		
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	Parts of Lot 294, 296, and 299, Lower Duluth, Minnesota Avenue (PID 010-3110-03585)			
<b>Site Visit Date</b>	September 30, 2019	<b>Sign Notice Date</b>	September 25, 2019	
<b>Neighbor Letter Date</b>	September 24, 2019	<b>Number of Letters Sent</b>	23	

**Proposal**

This is a renewal for permit PL 13-019. Applicant proposes to use the house with 3 bedrooms for a vacation rental. Up to 7 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.

	<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	One-Family Dwelling	Traditional Neighborhood
<b>South</b>	R-1	One-Family Dwelling	Traditional Neighborhood
<b>East</b>	R-1	One-Family Dwelling	Traditional Neighborhood
<b>West</b>	R-1	One-Family Dwelling	Traditional Neighborhood

**Summary of Code Requirements:**

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



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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. My two cents is that this section's code requirements seems long and I think you could paraphrase to shorten. Not super important so your choice.

**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

**History:** The site is developed consistent with the future land use as described and the applicant is not proposing alterations to the use. There have been no complaints filed with the City related to the vacation dwelling unit.

**Review and Discussion Items:**

- 1) Applicant's property is located at 3330 Minnesota Avenue. The proposed vacation dwelling unit contains 3 bedrooms, which would allow for a maximum of 7 guests. This 2,700 square foot home was constructed in 1903.
- 2) The property was previously permitted for a Vacation Dwelling Unit (PL 13-019).
- 3) The applicant is the managing agent. They live next door to the site and have provided the required notification to neighbors within 100'.
- 4) The site has room for 2 vehicles to be parked on a parking pad on the property.
- 5) The applicant has indicated on the site plan that a deck will be used as an outdoor amenity. The deck is screened by shrubs and a neighboring fence.
- 6) In previous vacation dwelling unit interim use permit reviews in the Park Point neighborhood, the Planning Commission has recommended conditions that the applicant notify their guests in writing where the nearest pedestrian access to the Lake Superior beach may be found as well as the requirement of quiet at the property between 10 p.m. and 8 a.m.



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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, including providing information to guests on city rules such as 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 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.
- 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.



PL 19-129  
Interim Use Permit

**Legend**  
 Zoning Boundaries

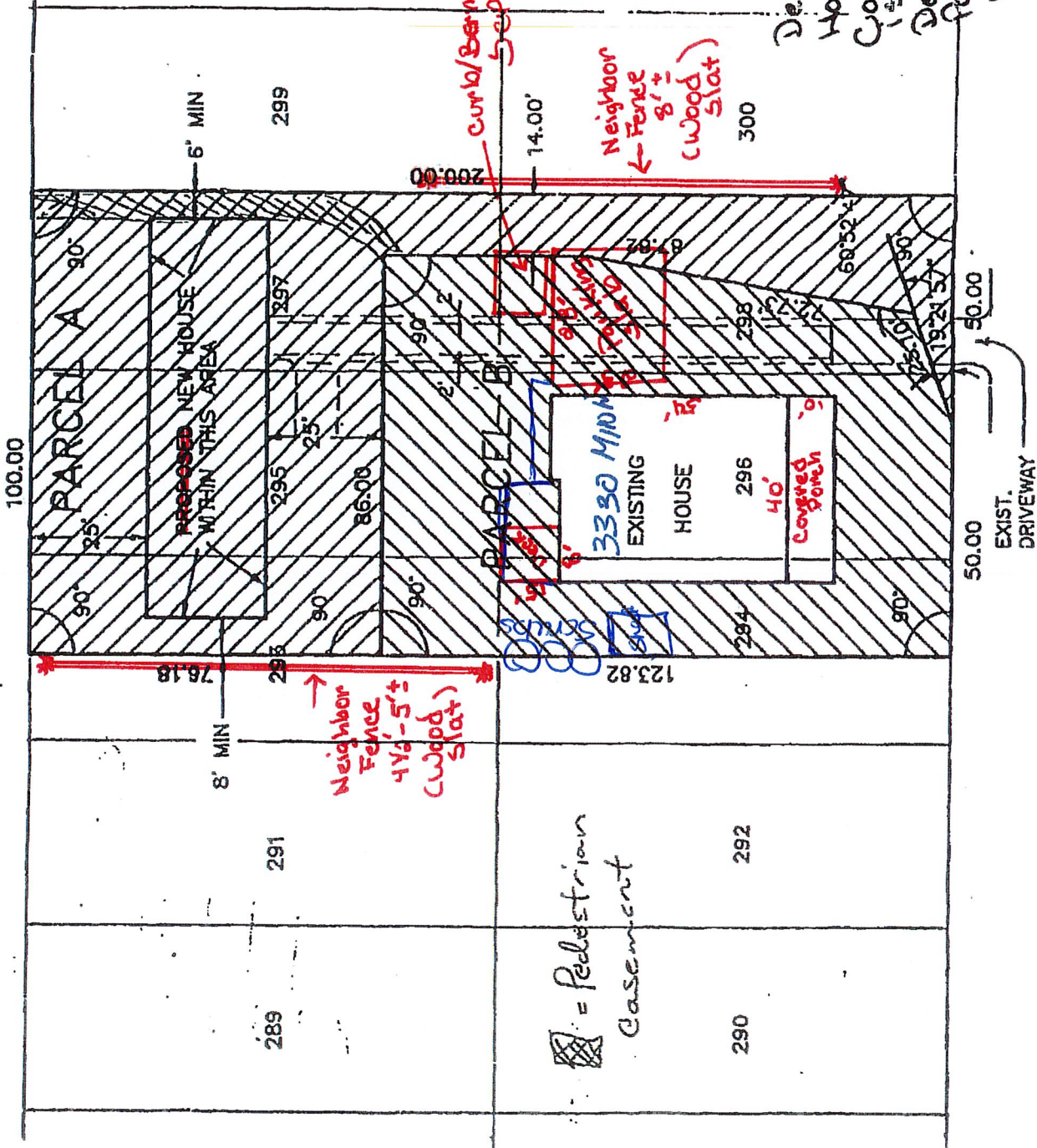


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Aerial photography flown 2019



D-7



Details:  
 House is 40'x54'  
 Covered Porch is 10'x40'  
 Deck is 8'x15'  
 parking slab is 28'x23'

▨ = Pedestrian Casement