



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 17-004	Contact	Chris Lee, cleec@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date		February 24, 2017
Deadline for Action	Application Date	January 18, 2017	60 Days	March 25, 2017
	Date Extension Letter Mailed	January 27, 2017	120 Days	May 23, 2017
Location of Subject		1035 Berwick Court		
Applicant	Don and Patricia Washington	Contact	11336 31 st Ave N., Texas City, TX 77591	
Agent		Contact		
Legal Description		See Attached, PID: 010-4565-00040		
Site Visit Date		February 1, 2017	Sign Notice Date	February 1, 2011
Neighbor Letter Date		February 1, 2017	Number of Letters Sent	35

Proposal

Applicant proposes use of a single family home with 3 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	R-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 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 1035 Berwick Court. The proposed vacation dwelling unit has 3 bedrooms, which would allow for a maximum of 7 guests.
- 4) 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. Applicants have identified their daughter, Melissa Sazama of 3968 Calvary Road, as the managing agent.
- 5) Parking for the house is located in the two car garage on the south side of the house. There are also two spaces on driveway in front of the garage.
- 6) The site plan indicates that there is a wooden deck as an exterior amenity. The site plan shows existing screening/buffering surrounding the home. There is a fence that surrounds the backyard, and trees and shrubs on all three sides on the house. An existing detached shed is located in the southwest corner of the adjacent property.
- 7) 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.
- 8) Applicants have obtained the City of Duluth Tourism Tax license and have a Tax ID number. Applicants will need to complete an inspection from the Minnesota Department of Health as part of the process for obtaining a Lodging License, and another with the City's fire prevention office. Applicants will also need to apply for a Hotel/Motel License.
- 9) 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").
- 10) Three citizen comments were received on this zoning application, two of which expressed concern regarding new construction, of which there is none, and where generally supportive. The third comment was opposed to the IUP. No City comments were received.

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.



City Planning

PL 17-004: Interim Use Permit
1035 Berwick Court

Legend

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.





City Planning

PL 17-004: IUP
1035 Berwick Ct

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 (NRR)

Shoreland (UDC)

Shoreland Overlay Zone

- Cold Water
- Natural Environment
- General Development

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City Planning

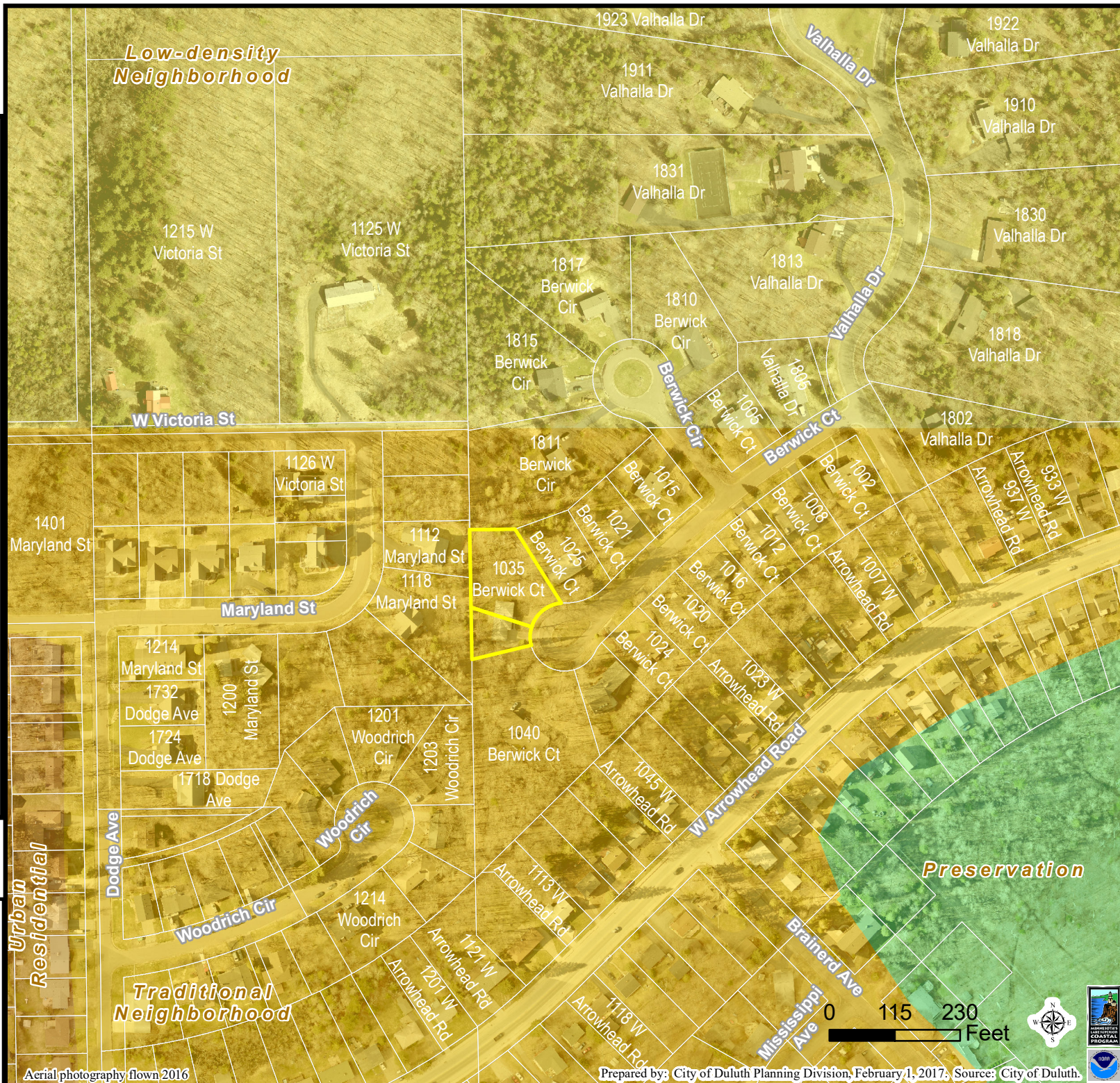
PL 17-004: Interim Use Permit
1035 Berwick Court

Legend

Future Land Use

- Preservation
- Recreation
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Neighborhood Mixed Use
- General Mixed Use
- Central Business Secondary
- Central Business Primary
- Auto Oriented Commercial
- Large-scale Commercial
- Business Park
- Tourism/Entertainment District
- Medical District
- Institutional
- Commercial Waterfront
- Industrial Waterfront
- Light Industrial
- General Industrial
- Transportation and Utilities

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Aerial photography flown 2016

Prepared by: City of Duluth Planning Division, February 1, 2017; Source: City of Duluth.



SKETCH ADDENDUM

Borrower/Client Don L. Washington

Property Address 1035 Berwick Ct

City Duluth

County Saint Louis

State MN

Zip Code 55811

Lender

Electric Power Lines

Utility Easement

Trees and Wooded Area

Chain Link Fence

Wood Deck
[192 Sq ft]

2 Car Attached
[440 Sq ft]

First Floor
[1232 Sq ft]

Basement
[616 Sq ft]

Driveway

paved parking

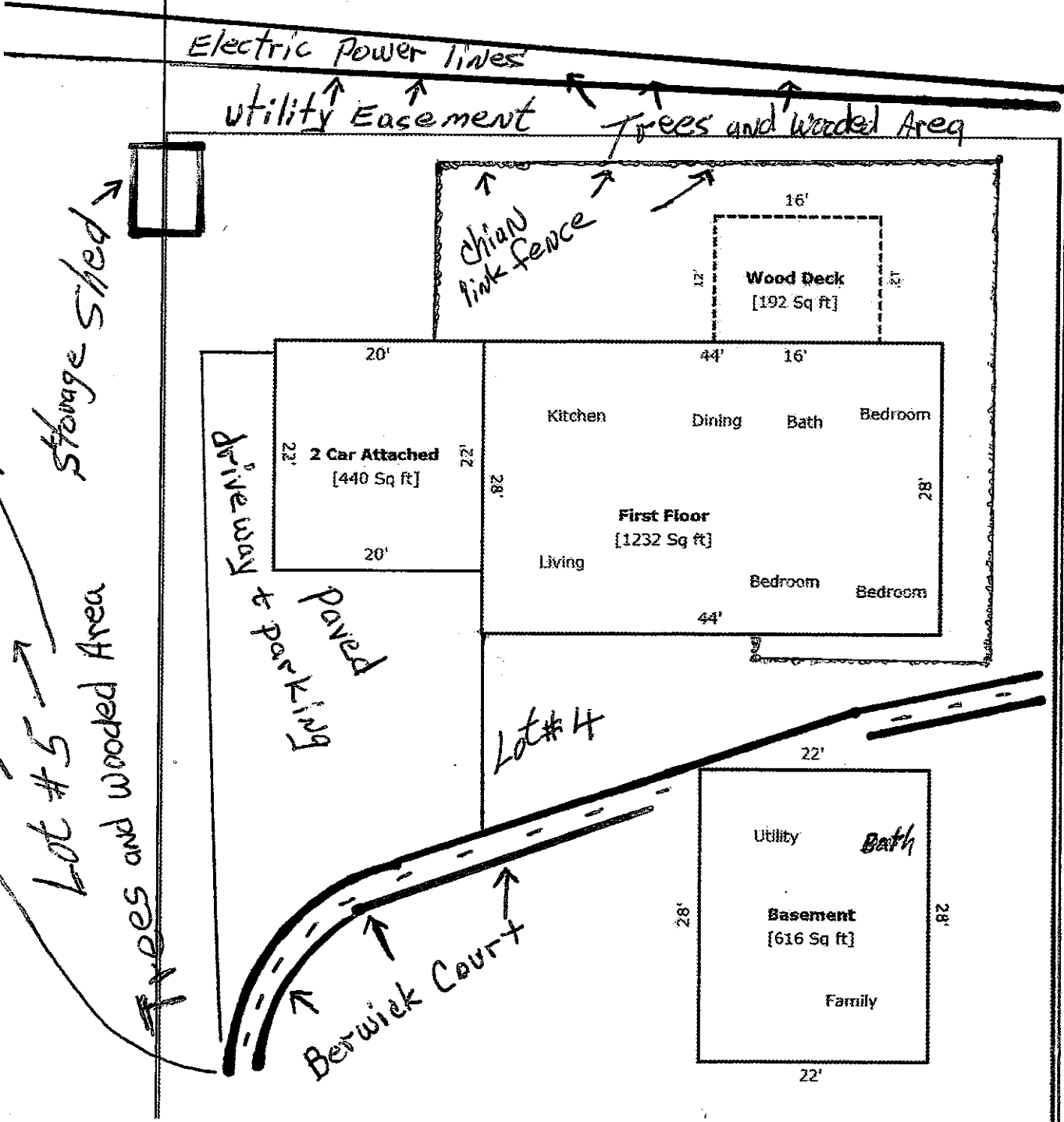
Lot #4

Berwick Court

Lot #3

Storage Shed

Trees and Wooded Area



Patricia and Don Washington (P and D Vacation Properties)

Vacation Dwelling Unit Worksheet

1. The minimum rental period shall be not less than two consecutive nights. **What will be your minimum rental period?**

Two nights.

2. The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two.

How many legal bedrooms are in the dwelling? Three. What will be your maximum occupancy? Eight.

3. Off-street parking shall be provided at the following rate:

a. 1-2 bedroom unit, 1 space

b. 3 bedroom unit, 2 spaces

c. 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.

d. Vacation dwelling units licensed on May 15, 2016, are entitled to continue operating under the former off-street parking requirement. The parking exemption for vacation dwelling units licensed on May 15, 2016, expires upon transfer of any ownership interest in the permitted property.

How many off-street parking spaces will your unit provide? Six.

4. Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at the site, on or off the street. **Will you allow motorhome or trailer parking? Yes. Where? On driveway parking area.**

5. The property owner must obtain all licenses and permits from the City of Duluth and State of Minnesota required for guest occupancy on the property for 2 to 29 days. **Please describe which licenses and permits you have acquired and/or will need, including the status of each: The following actions are complete: City of Duluth Tourism Tax Permit # 1516, Minnesota Sales Tax License # 4807580, Minnesota Secretary of State Certificate of Assume Name, IRS Employer ID Number # 81-4127041, Property description and drawing of parking and surrounding area, Meeting with the City of Duluth pre-application verification planning staff, Payment of Dwelling Unit Interim Use Permit fees.**

The following actions are pending/In progress: State Lodging License from Health Department, Operational Permit from fire department, City of Duluth City Clerk Permit.

6. The property owner must provide required documents and adhere to additional requirements listed in the City of Duluth's UDC Application Manual related to the keeping of a guest record, designating and disclosing a local contact, property use rules, taxation, and interim use permit violations procedures.

7. The property owner must provide a site plan, drawn to scale, showing parking and driveways, all structures and outdoor recreational areas that guests will be allowed to use, including, but not limited to, deck/patio, barbeque grill, recreational fire, pool, hot tub, or sauna, and provide detail concerning the provision of any dense urban screen that may be required to buffer

these areas from adjoining properties. **Please note that this MUST be on 8 x 11 size paper. Larger versions will not be accepted.**

8. The interim use permit shall expire upon change in ownership of the property or in six years, whichever occurs first. An owner of a vacation dwelling unit permitted prior to May 15, 2016, may request, and the land use supervisor may grant, an application for adjustment of an existing permit to conform to this section, as amended, for the remainder of the permit term.

9. Permit holder must keep a guest record including the name, address, phone number, and vehicle (and trailer) license plate information for all guests and must provide a report to the City upon 48 hours' notice. **Please explain how and where you will keep your guest record: My access to Website computerized account with booking agent (Evolve Vacation Rental Network) of all Lodging guess who register (Name, address, date of bookings, date of rental, cost of rental per night, contact information, phone numbers, cost of housekeeping, taxes, Insurance, etc.)**

10. Permit holder 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 any complaints from neighbors or the City. The permit holder must notify the Land Use Supervisor within 10 days of a change in the managing agent or local contact's contact information. **Please provide the name and contact information for your local contact: Don and Patricia Washington, owners, Melissa Sazama, Daughter, 3968 E Calvary Rd, Duluth, Mn 55803, ph: (832) 418-0968, (218) 260-1403.**

11. Permit holder must provide the name, address, and phone number for the managing agent or local contact to all property owners within 100' of the property boundary. The permit holder must notify neighboring properties within 10 days of a change in the managing agent or local contact's contact information. **Have you provided this information to property owners within 100'? will do. I do not have permit yet, pending approval.**

12. Permit holder must disclose in writing to their guests the following rules and regulations:

- a. The managing agent or local contact's name, address, and phone number;
- b. The maximum number of guests allowed at the property;
- c. The maximum number of vehicles, recreational vehicles, and trailers allowed at the property and where they are to be parked;
- d. Property rules related to use of exterior features of the property, such as decks, patios, grills, recreational fires, pools, hot tubs, saunas and other outdoor recreational facilities;
- e. Applicable sections of City ordinances governing noise, parks, parking and pets;

Please state where and how this information will be provided to your guests: This information will be provided to each vacation guess in writing by owners and/or local agent as posted at Vacation property.

13. Permit holder must post their permit number on all print, poster or web advertisements. **Do you agree to include the permit number on all advertisements? Yes I agree.**

14. Prior to rental, the building must be inspected and an Operational Permit issued by the Fire Prevention office. **This is covered in Question 5 above.**

15. Permit holder must apply for and be granted State and local sales tax numbers, including Hotel and Motel Use Sales Tax.

This is covered in Question 5 above.