CITY OF DULUTH
Planning Division
411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
Phone: 218/730.5580 Fax: 218/723-3559

STAFF REPORT

File Number	PL13-076	**Contact**	Kyle Deming, kdeming@duluthmn.gov		
Application Type	Interim Use Permit	**Planning Commission Date**	July 9, 2013		
Deadline for Action	**Application Date**	May 10, 2013	**60 Days**	July 9, 2013	
	Date Extension Letter Mailed	May 22, 2013	**120 Days**	September 7, 2013	
Location of Subject	2931 Lake Avenue South				
Applicant	Jennifer Beckey	**Contact**	jenniferjbeckey@gmail.com, 612-619-2325		
Agent	N/A	**Contact**	N/A		
Legal Description	S 10' of LOT 213 EX N 5' of S 10' of W 37' & all of LOT 215, Lower Duluth Lake Ave. (010-3100-01090)				
Site Visit Date	May 23, 2013	**Sign Notice Date**	May 28, 2013		
Neighbor Letter Date	May 23, 2013	**Number of Letters Sent**	21		

Proposal

Interim Use Permit for one vacation dwelling unit consisting of four bedrooms.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Dwelling	Traditional Neighborhood
North	R-1	Dwellings	Traditional Neighborhood
South	R-1	Dwellings	Traditional Neighborhood
East	R-1	Park Point beach	Preservation
West	R-1	Dwellings	Traditional Neighborhood

Summary of Code Requirements (reference section with a brief description):

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 met.
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 Findings (Governing Principle and/or Policies) and Current History (if applicable):

Governing Principle #8 - Encourage mix of activities, uses, and densities
Governing Principle #5 - Strengthen neighborhoods

Future Land Use - Traditional Neigbhorhood - 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.

- 4-8 units/acre
- Form standards and conservation development an option
- Mix of housing types (i.e. town homes and 4-plexes) at corners
- Limited commercial uses (i.e., 'corner store') serving neighborhood market

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

Staff finds that:

1.) The applicant has submitted the required materials and agency approvals except for a Fire Operational Permit from the City and a Lodging License from the State. These agencies have made inspections of the site and the applicant will be making the required improvements. The City and State will soon reinspect and issue a Fire Operational Permit and Lodging License if the required improvements are sufficient. Staff recommends that a condition of approval be that the applicant obtain the required Fire Operational Permit and Lodging License.

2.) The driveway on the applicant's property provides the required three off-street parking spaces.

3.) The applicant has a local managing agent who lives within the required distance.

4.) The applicant has asked to delay providing contact info. to property owners within 100' of the subject property until the City Council has voted on the interim use permit. Staff has provided for this by adding this as a condition of approval.

5.) A time limit on this Interim Use is needed to verify that the Vacation Dwelling Unit at this location can function without negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. The time limit will be up to six years from the effective date of the Council resolution approving the interim use permit.

6.) In previous vacation dwelling unit interim use permit reviews 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. and staff has forwarded these conditions below should the commission decide to recommend them at this location.

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, staff recommends the Commission recommend approval of the Interim Use Permit subject to the following conditions:

1.) The Interim Use Permit shall not be effective until the Fire Operational Permit has been granted by the City Fire Department and the Lodging License has been granted by the State Department of Health; and
2.) The Interim Use Permit shall not be effective until the applicant has provided evidence that the required notice has been sent to property owners within 100 ft.; and
3.) The applicant must disclose to all guests, in writing, the location of the nearest legal access to the Lake Superior beach; and
4.) The applicant must disclose to all guests, in writing, that quiet hours shall be observed between the hours of 10 p.m. and 8 a.m.; and
5.) The applicant adhere to the terms and conditions listed in the interim use permit document and any modifications deemed necessary by the Land Use Supervisor provided that no such administrative approval shall constitute a variance from Chapter 50.

Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)

City Planning

PL 13-076

Interim Use Permit

Vacation Dwelling Unit

2931 Lake Avenue S

Legend

DuluthStream_cl

TROUT_FLAG

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

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 (PS)

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
- Discharge_Points

Right-of-Way Type

- Road or Alley ROW
- Vacated ROW

Easement Type

- Utility Easement
- Other Easement
- Zoning (Final)

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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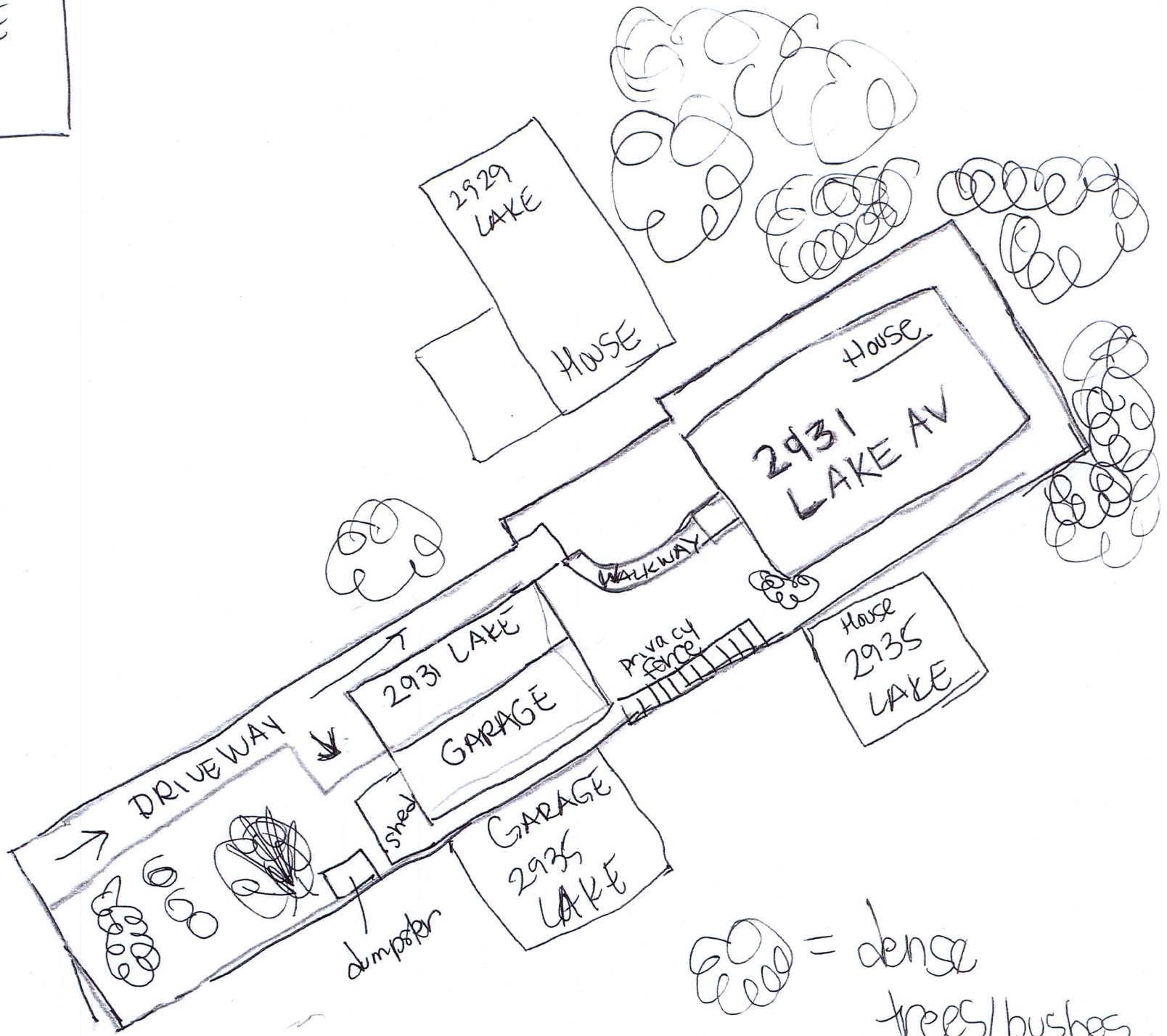
2931 LAKE Site Plan



driveway can fit 3 cars easily

RECEIVED MAY 10 2013

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