



CITY OF DULUTH
Planning Division

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STAFF REPORT

File Number	PL13-084	Contact	Kyle Deming, kdeming@duluthmn.gov	
Application Type	Interim Use Permit	Planning Commission Date	July 9, 2013	
Deadline for Action	Application Date	June 4, 2013	60 Days	August 3, 2013
	Date Extension Letter Mailed	June 19, 2013	120 Days	October 2, 2013
Location of Subject	611 W. Skyline Pkwy			
Applicant	Connie & Lee Hoffman	Contact	hoffman@chartermi.net, 507-380-6658	
Agent	Same	Contact		
Legal Description	Lot 101, Block 96, Duluth Proper Third Division (010-1350-02900)			
Site Visit Date	June 28, 2013	Sign Notice Date	June 25, 2013	
Neighbor Letter Date	June 19, 2013	Number of Letters Sent	28	

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	One-family dwelling	Traditional Neighborhood
North	R-1	One-family dwelling	Traditional Neighborhood
South	R-1	One-family dwelling	Traditional Neighborhood
East	R-1	One-family dwelling	Traditional Neighborhood
West	R-1	One-family dwelling	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 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.

- 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, but have not yet issued their permits. Staff recommends that a condition of approval be that the applicant obtain the required Fire Operational Permit and Lodging License.
- 2.) The required 2 off-street parking spaces can be provided in one of two ways before November 1, 2013:
 - a. In front of the home in the right of way for Skyline Parkway is a paved area large enough to park 4 vehicles. If the required parking is to be provided in front of the house staff recommends that the paved area be reduced to 27 feet in width (three 9 foot wide parking spaces) and the required front yard parking Variance and Concurrent Use Permit be obtained. The reason for allowing three spaces is to accommodate an existing regular "long term" rental license the applicant already has. The reason for reducing the width of the parking spaces is to reduce the visual impact of parking in the yard area of this scenic byway.
 - b. The other way parking can be provided is to rejoin the applicant's parcel with the detached garage and driveway that were once together as a single developed parcel. Originally, this property had a detached 2-car garage and driveway behind it that was accessed by W. Eighth St. The garage was separated from the home when the applicant and the owner of the garage (who previously owned both parcels) were unable to reach agreement on a price for the garage parcel. The garage owner has been notified that they cannot retain the garage as an accessory structure without a principle structure (ie. a home) and the two are currently negotiating a possible purchase. If the applicant is able to acquire the garage parcel staff recommends that the required parking spaces be provided there and the applicant be required to return the parking in the Skyline Parkway right of way to the single car parking spot that has historically been in that location (see 2007 aerial photo map attached).
- 3.) The applicant has a managing agent that lives within the required distance from the site and they have provided the required notification to neighbors within 100'.
- 4.) 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.

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 after November 1, 2013 if the applicant has not provided the required parking either by purchasing the adjacent parcel and reducing the Skyline Parkway parking area to one car width OR by obtaining a front yard parking Variance and Concurrent Use Permit for the spaces in the Skyline Parkway right of way and that the width of the parking area be reduced to the minimum necessary to accommodate parking requirements; and
- 3.) 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

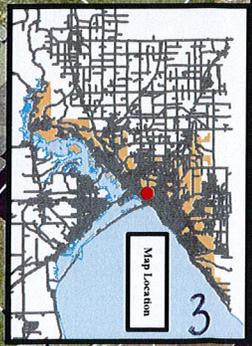
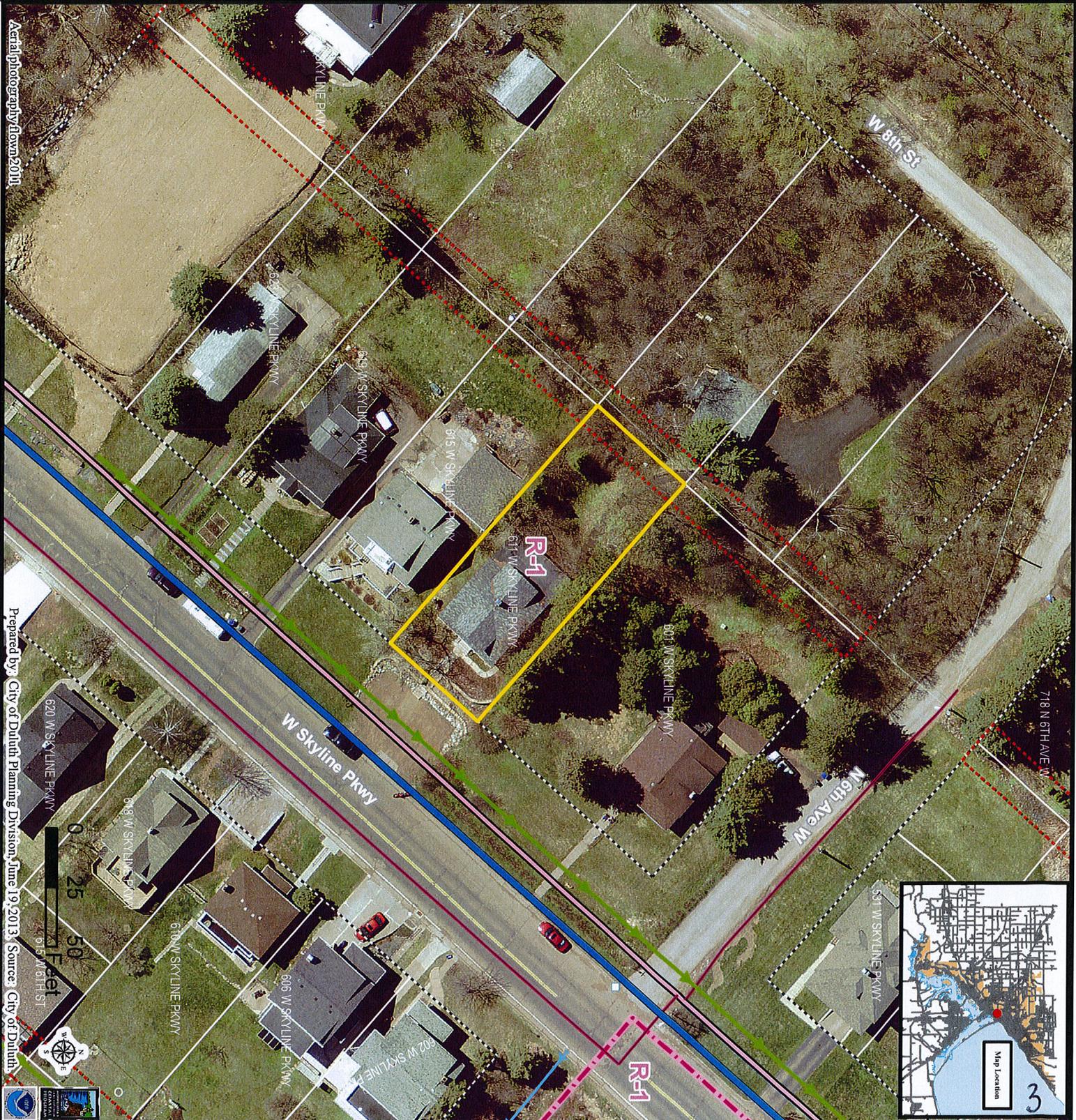
PL 13-084

Interim Use Permit
611 W Skyline Parkway

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
- Gas Distribution Main**
 - Storage Basin
 - Pump Station
 - 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)**
- Shoreland Overlay Zone**
 - Cold Water
 - Natural Environment
 - General Development

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.



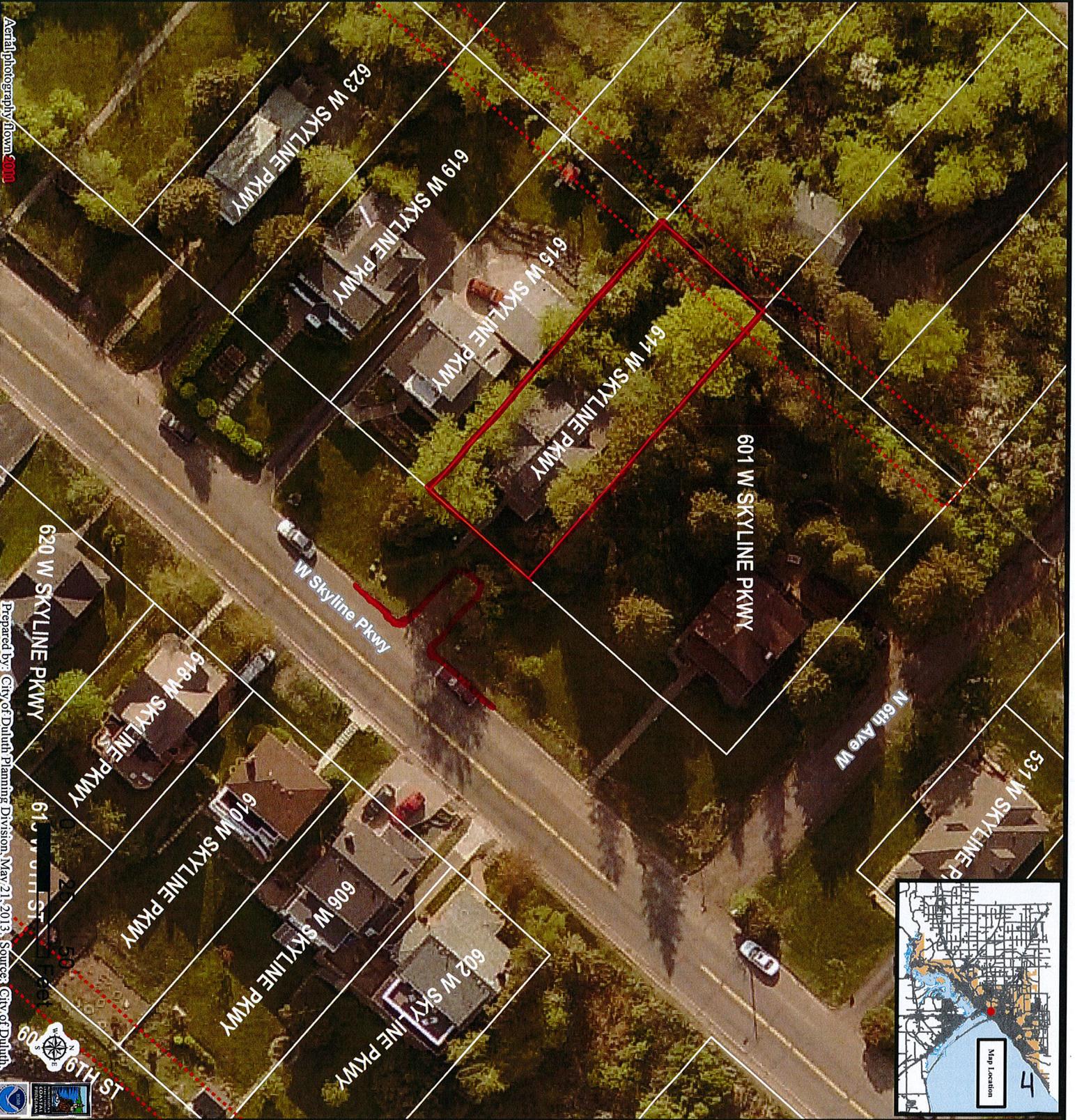
Aerial photography flown 2011

Prepared by: City of Duluth Planning Division, June 19, 2013. Source: City of Duluth.



Legend

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Aerial photography from 2007

2007

Prepared by: City of Duluth Planning Division, May 21, 2013. Source: City of Duluth







611 West Skyline Parkway
Duluth, MN

FROM THE APPLICANT

RECEIVED JUN 04 2013



611 West Skyline Parkway – Front of Home

FROM THE APPLICANT

RECEIVED JUN 04 2013 ⁸



Street view facing south on Skyline Parkway



Street view facing south on Skyline Parkway

FROM THE APPLICANT

9
RECEIVED JUN 04 2013



Back yard facing south. Note sound buffer of garage and trees



Back yard facing west. Note No back yard neighbor and trees for sound buffer

FROM THE APPLICANT



Back yard facing northwest. Note sound buffer of garage and trees



Back yard facing north. Note Trees for sound buffer, neighbor approx 70' away
FROM THE APPLICANT