CITY OF DULUTH
Planning Division

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STAFF REPORT

File Number	PL13-019		**Contact**	Kyle Deming, kdeming@duluthmn.gov	
Application Type	Interim Use Permit		**Planning Commission Date**	April 9, 2013	
Deadline for Action	**Application Date**		February 5, 2013	**60 Days**	April 6, 2013
	Date Extension Letter Mailed		March 20, 2013	**120 Days**	July 5, 2013 extra extension
Location of Subject	3330 Minnesota Ave.				
Applicant	Cottage on the Point LLC / Patricia Burns		**Contact**	bpburns@chartermi.net, 218-727-3738	
Agent	Same		**Contact**		
Legal Description	Parts of Lot 294, 296, and 299, Lower Duluth, Minnesota Avenue (PID 010-3110-03585)				
Site Visit Date	March 27, 2013		**Sign Notice Date**	March 24, 2013	
Neighbor Letter Date	2/22, 2/25, and 3/26/ 2013		**Number of Letters Sent**	21	

Proposal

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

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	One-family dwelling	Traditional Neighborhood
North	R-1	Dwellings	Traditional Neighborhood
South	R-1	Dwellings	Traditional Neighborhood
East	R-1	Dwellings	Traditional Neighborhood
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 some of the required agency approvals, but the following applications are pending: City Fire Operational Permit, and State Lodging License;

2.) The applicant has a driveway large enough to park the required 2 vehicles;

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.) 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.

5.) 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 applicant must disclose to all guests, in writing, the location of the nearest legal access to the Lake Superior beach; and

2.) 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

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;

4.) The Interim Use Permit shall not be effective until the City Fire Operational Permit and State Lodging License have been granted.

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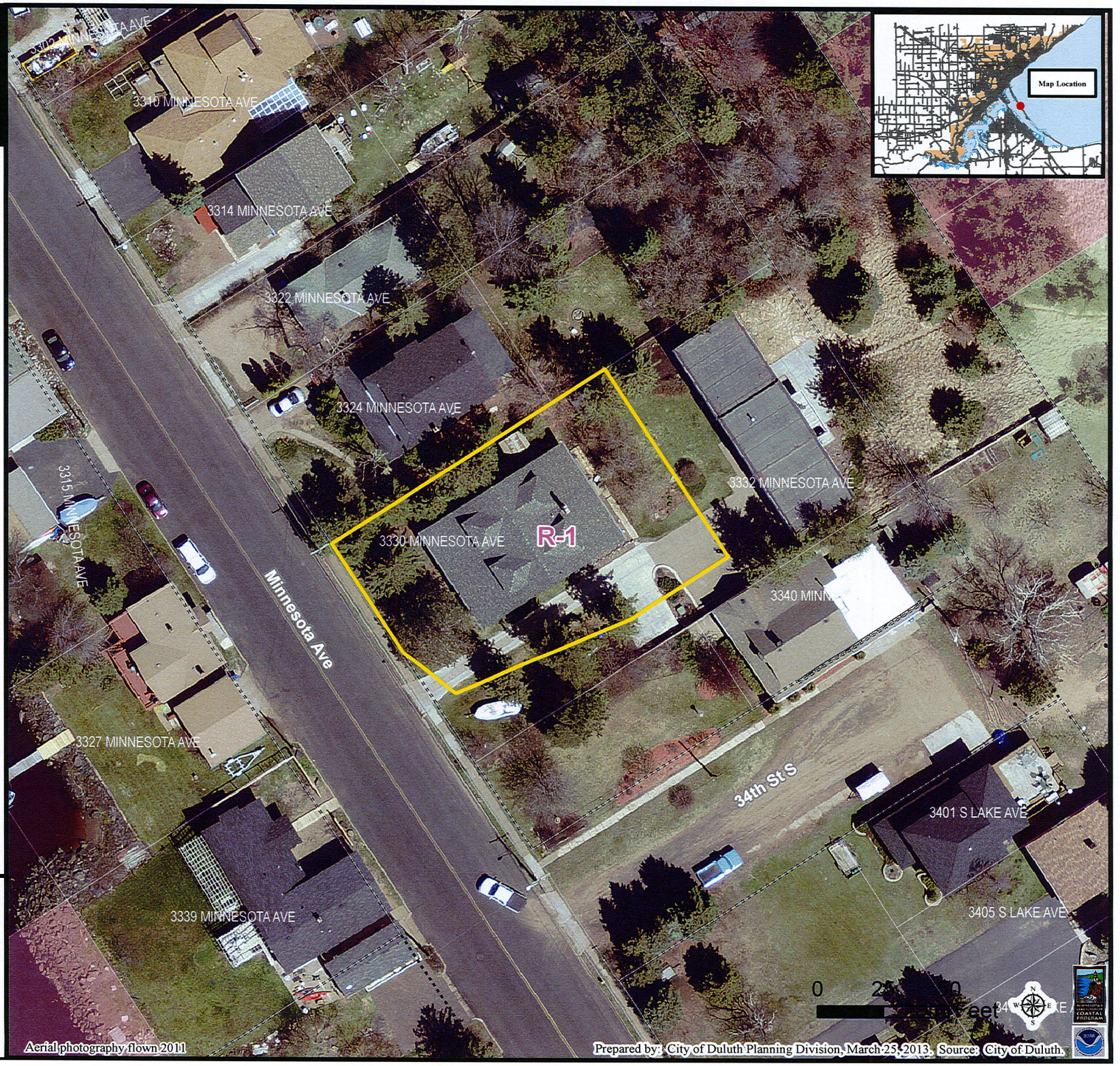
Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)

City Planning

PL13-019 Vacation Dwelling Unit
Interim Use Permit
3330 Minnesota Ave: Cottage on Pt.



Legend

Right-of-Way Type

- Road or Alley ROW
- Vacated ROW

Easement Type

- Utility Easement
- Other Easement
- Zoning (Final)

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City Planning

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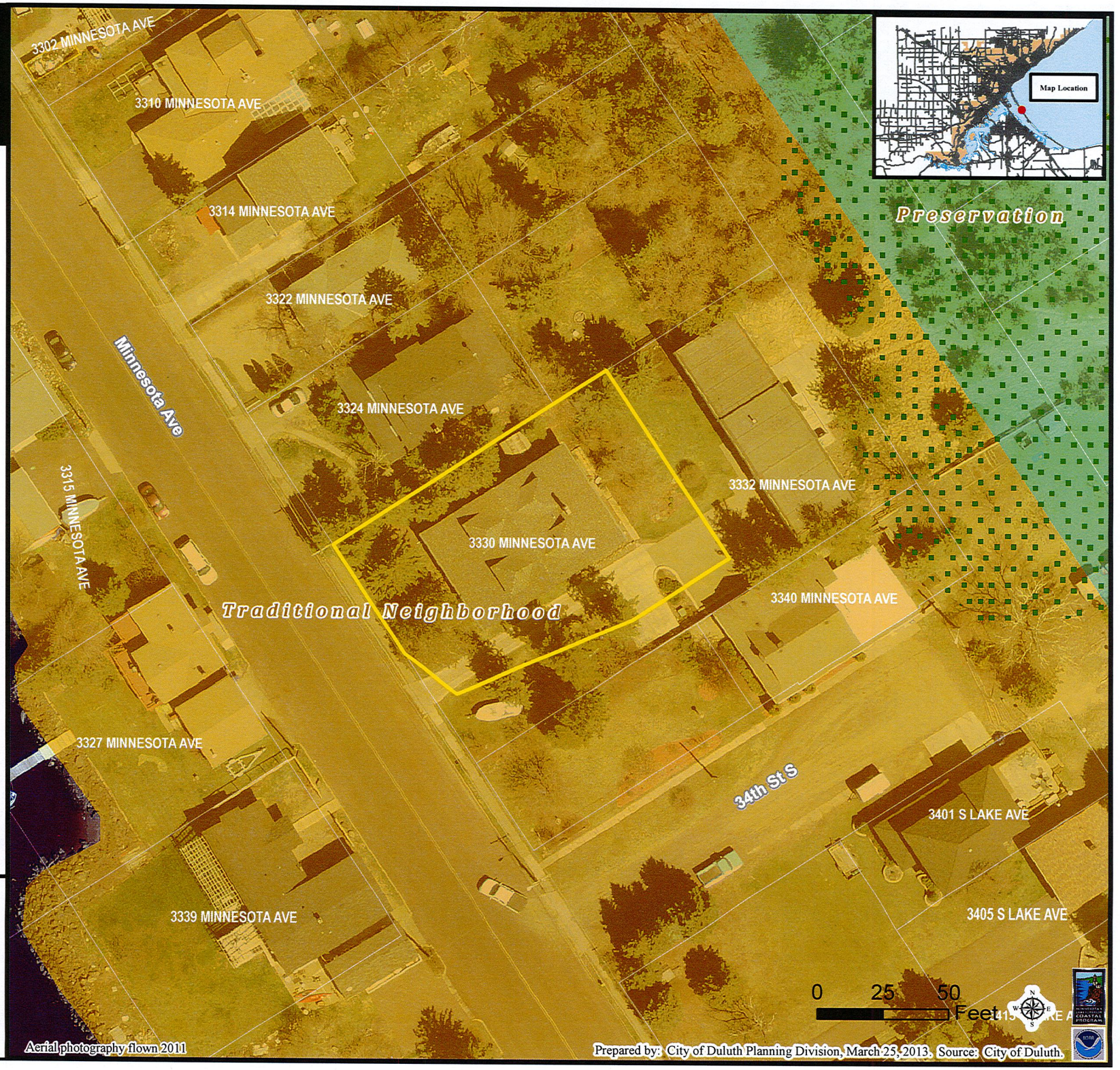
Interim Use Permit
3330 Minnesota Ave: Cottage on Pt.



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
- Sensitive Lands Overlay

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3330 Minnesota Ave.

3330 Minnesota Ave.

D-5

3330 Minnesota Ave.

3330 Minnesota Ave.

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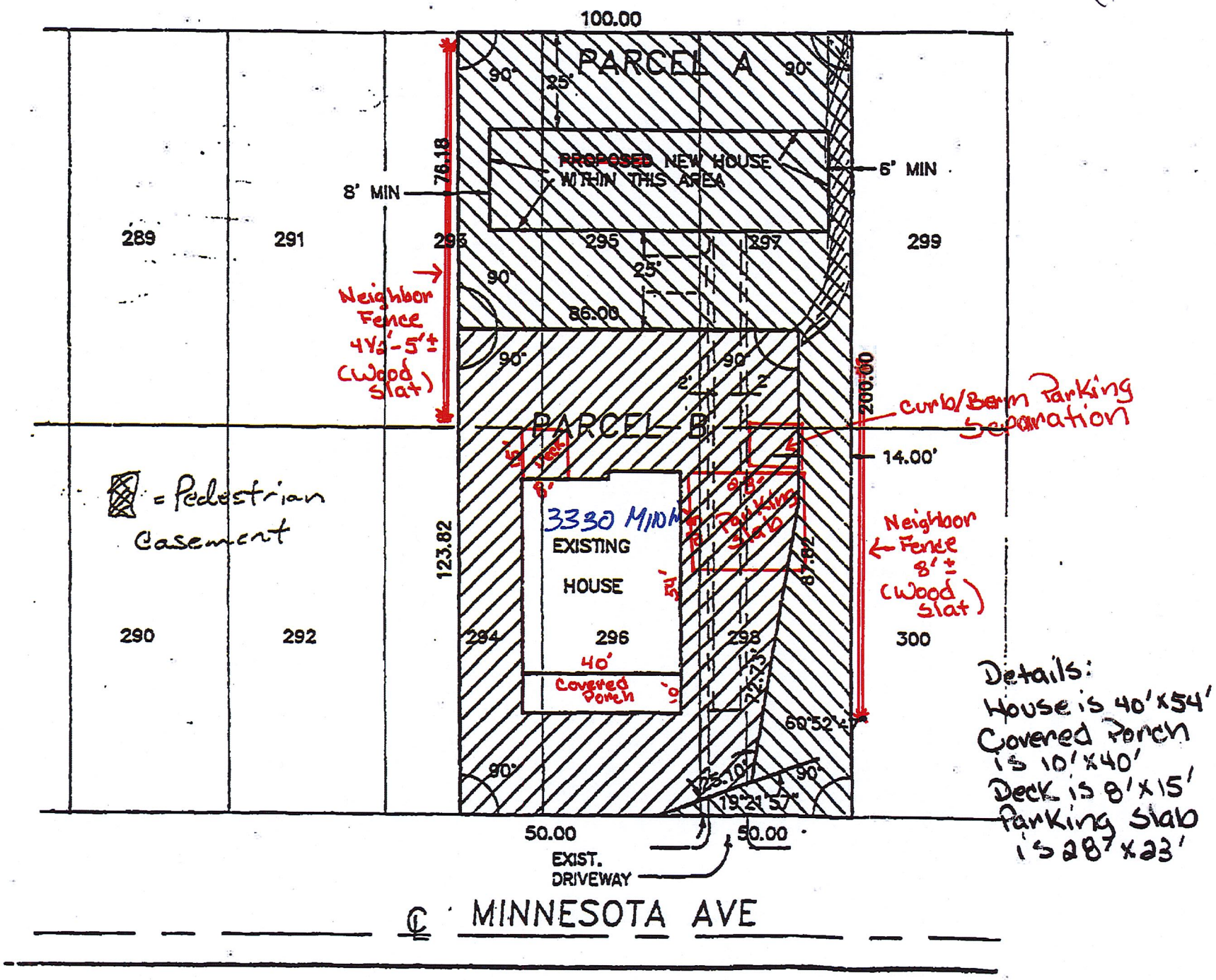
L-1



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