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	PL13-039		**Contact**	Kyle Deming, kdeming@duluthmn.gov	
Application Type	Interim Use Permit		**Planning Commission Date**	April 9, 2013	
Deadline for Action	**Application Date**		March 4, 2013	**60 Days**	May 3, 2013
	Date Extension Letter Mailed		March 20, 2013	**120 Days**	July 2, 2013
Location of Subject	1202 S. Lake Ave.				
Applicant	Jerry Paulson & Betsy Snow		**Contact**	jerry@parkpointcarriagehouse.com, 218-260-9595	
Agent	Same		**Contact**		
Legal Description	Lot 139, Upper Duluth, Lake Avenue (PID 010-4380-00700)				
Site Visit Date	March 27, 2013		**Sign Notice Date**	March 26, 2013	
Neighbor Letter Date	March 25, 2013		**Number of Letters Sent**	16	

Proposal

Interim Use Permit for one vacation dwelling unit consisting of one bedroom.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	One-family dwelling	Traditional Neighborhood
North	R-1	Unbuilt street, dwellings	Traditional Neighborhood
South	R-1	Dwellings	Traditional Neighborhood
East	R-1	Park Point Beach	Preservation
West	R-1	Undeveloped	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.

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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;

2.) The applicant has a driveway large enough to park 3 vehicles in addition to 2 more in the garage , more than the required 1 off-street parking space;

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.

6.) One neighbor comment was received and is attached.

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.

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

City Planning

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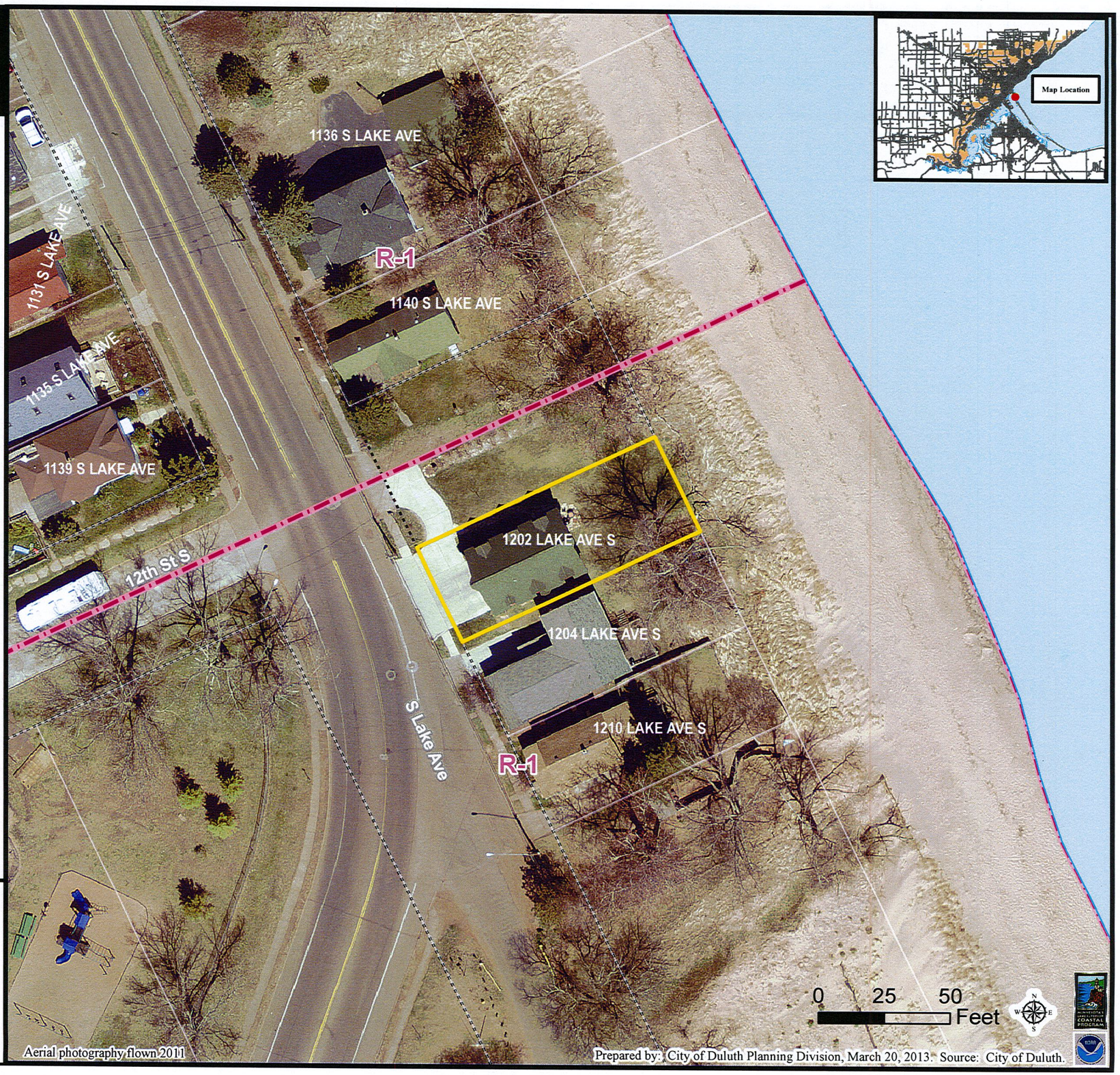
Interim Use Permit

1202 Lake Avenue S



Legend

Right-of-Way Type

- Road or Alley ROW
- Vacated ROW

Easement Type

- Utility Easement
- Other Easement
- Zoning (Final)

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Interim Use Permit

1202 Lake Avenue S

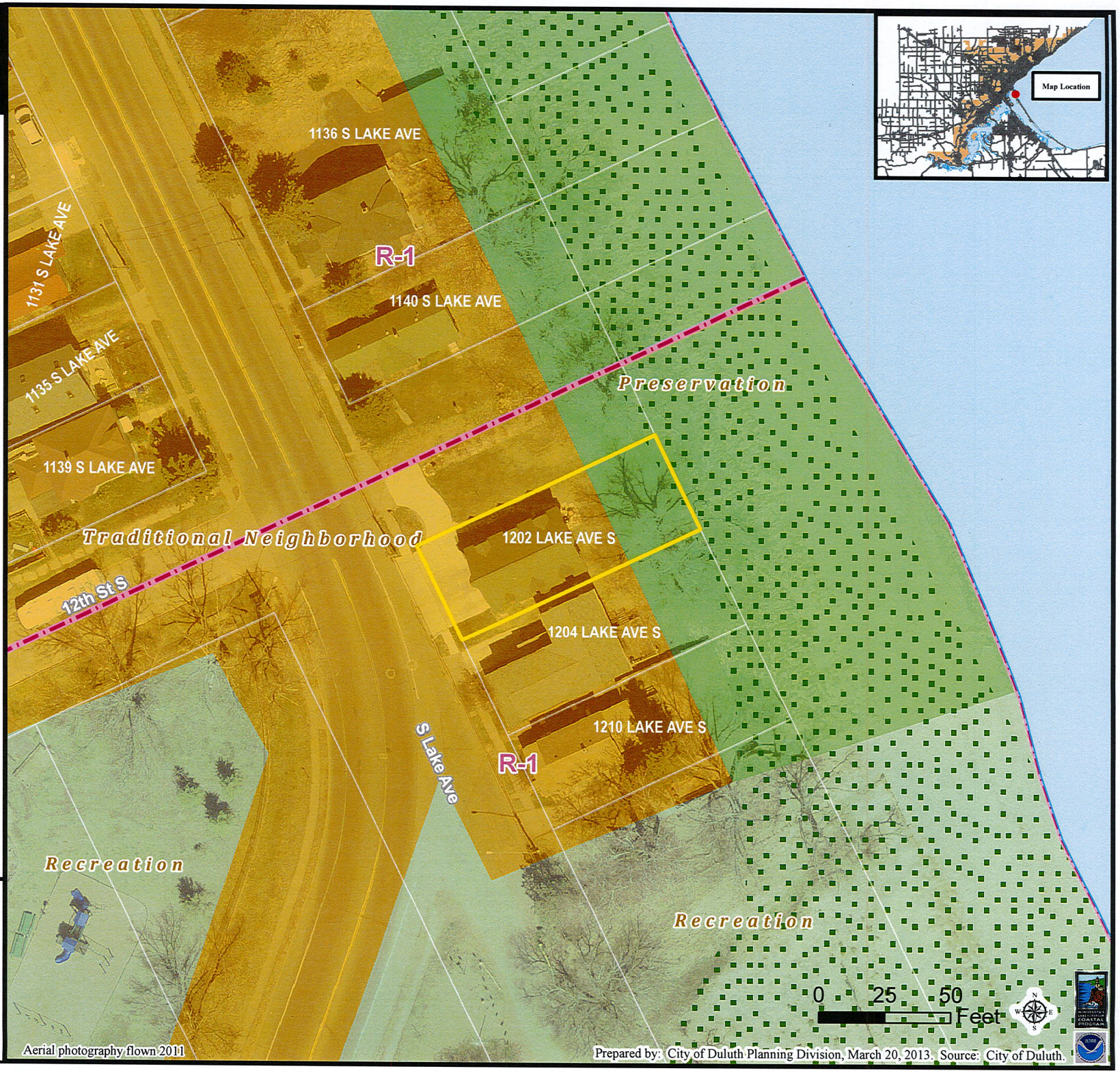
Legend

Zoning (Final)

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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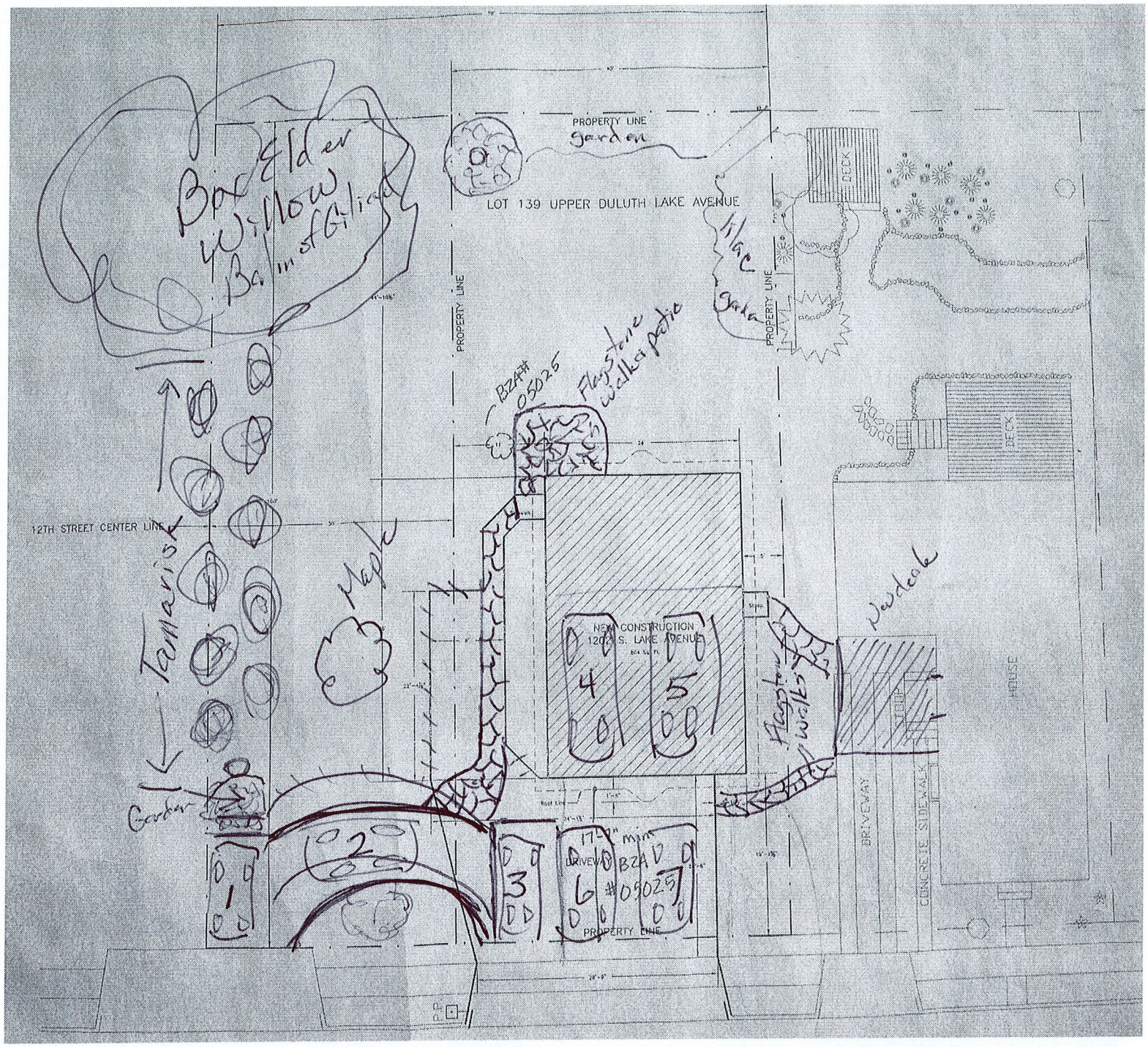

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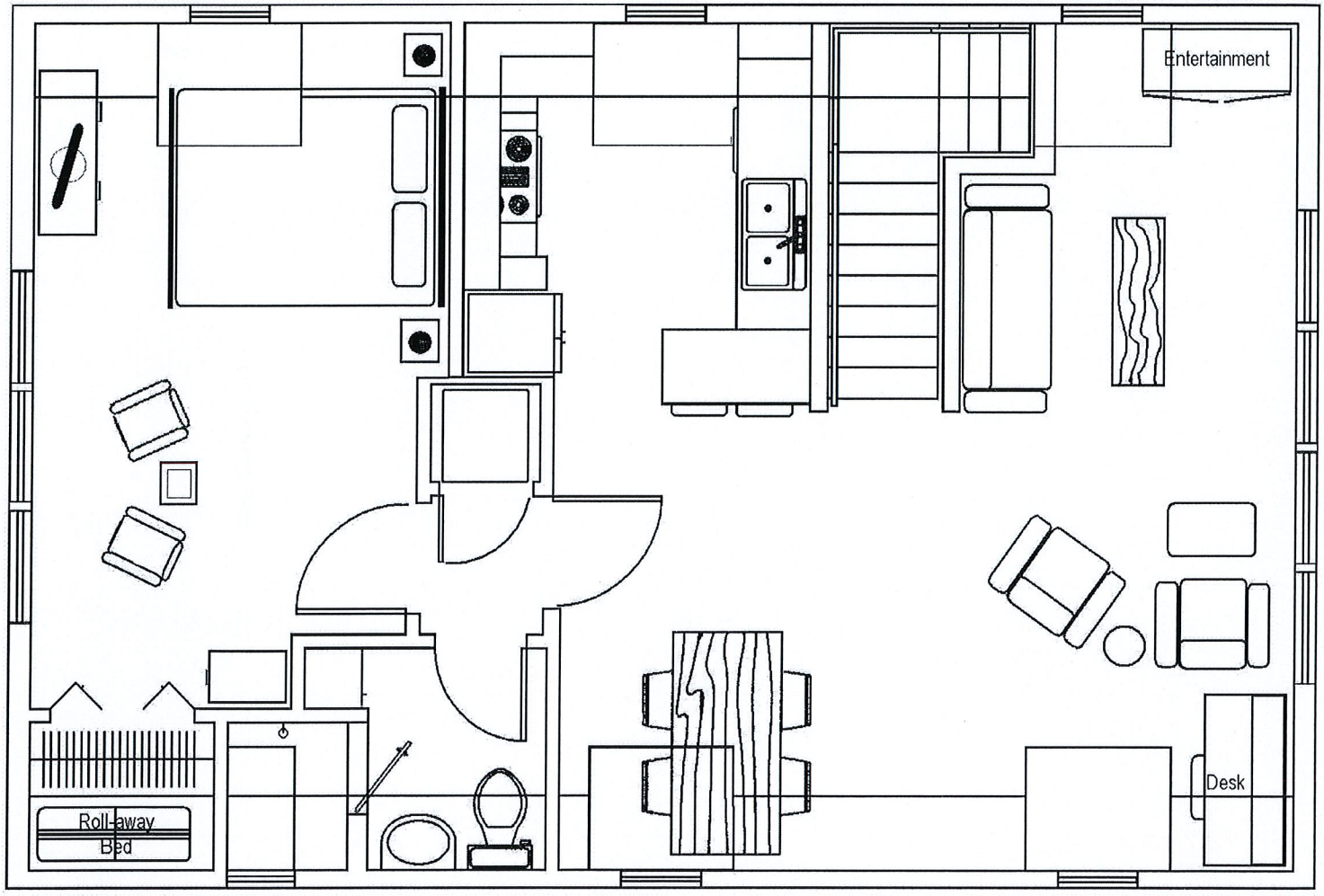
RECEIVED MAR 0 4 2013



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RECEIVED MAR 04 2013

Park Point Carriage House
1202 S Lake Ave, Duluth, MN 55802. (218) 727-1052
www.parkpointcarriagehouse.com
www.vrbo.com/134015

Contact info:
Jerry Paulson & Betsy Snow
1204 S Lake Ave, Duluth, MN 55802 (Right next door!)
(h) 218-727-1052 (c) 218-260-9595
jerry@parkpointcarriagehouse.com

Please...

- No smoking. No pets allowed.
- For safety reasons and so as to not disturb our neighbors, please pay attention to wind direction and weather conditions before starting a fire in the fire pit.
- City ordinance prohibits fires on the beach.
- This is a residential neighborhood. Please keep noise to a minimum after 10:00 PM.

Pursuant to City of Duluth Interim Use Permit Regulations:

- Maximum number of guests: 3.
- 3 off-street parking spots are available for your use. Two in the turn-around and one in the space next to the turn-around, directly below the walkway to your Carriage House entrance.
- Only 1 motor home and/or trailer for inhabiting or for transporting recreational vehicles may be parked at this site on or off the street.

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RECEIVED MAR 0 4 2013

Vicki Mcnabney
1123 Minnesota Ave.
Duluth, MN 55802

RECEIVED
MAR 26 2013

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(1)

Duluth Planning Committee,

The properties at 1202 Minn Ave + 1302 Minn Ave have petitioned to be rezoned for Vacation dwelling use. The following is a list of reasons this should not be permitted at this time.

1) The Visual-time ratio for a safe crossing on Minn. Ave at these 2 locations is quite dangerous. When you try to cross Minn Ave. at 13th St. looking West - then East - + checking West again before crossing, the Visual - Time ratio does not allow you enough time to cross safely. The design of the avenue at this first stop ("S" curve) + the speeding that continuously occurs here gives you only a few seconds to get across, even if you are very careful, because drivers

often speed up when taking the "S" curve - so if you start your crossing, the traffic is right up to you before you even realize it. The infrastructure in this area needs to be corrected for public safety, as well as, police surveillence for speeding. (Caution signs + blinking speed indicators have been tried, but drivers become immune).

2) If you do grant the rezoning, there will be an increase in the number of people trying to back out of the driveways onto Minn. Ave. causing more problems with traffic congestion in these areas. 12th + 13th streets very dangerous!

3) During the summer with the increase of tourists + families enjoying our beach area at first stop ("S" curve), which is presently extremely congested, - the granting of rezoning for va-

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Ms Vicki McNabney
1123 Minnesota Ave
Duluth, MN 55802-2422

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cation use will add more traffic + pedestrians which will compound the problems at 12th + 13th Street. During the summer months many families not only enjoy the beach at 12th street, but also often try to cross to the Franklin Tot Lot to have fun at the playground. I have seen, many times, families trying to cross the Ave + dodging traffic + often just being missed by speeding cars. I do not want a tragedy to happen when we can be proactive + prevent an accident by using common sense.

4) In the winter with the ice + snow, pedestrians really experience difficulty with their footing or usually being unable to see the traffic coming, because of the snow banks blocking their view. This decreases even more (the visual Time ratio) for crossing the avenue + therefore trying to get across becomes a dangerous challenge.

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(4)

5) The U.S. Coast Guard's main entrance to their facility is at 12th Street. They have been very good neighbors & are very cautious of people coming & going - but just the number of cars that enter & leave daily - plus the large trucks & equipment that they utilize daily adds to the traffic pressure at 12th St. I have seen the large delivery trucks experience difficulty maneuvering

6) These same concerns apply to the 13th St. location also - especially the (visual - time ratio). With the additional bridge lifts in the summer, which causes a back-up of traffic - the 12th & 13th street areas are a quagmire - an accident waiting to happen.

7) Please put a moratorium on any rezoning that will exacerbate this traffic problem. We need to study the problems we are currently having at these 2 locations, redesign the "S" curve road, make

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improvements for the public's safety + then we can consider rezoning in this area. Let's keep Park Point not only unique, but also a safe place to live + visit. Thanks for the opportunity to express my concerns about public safety on Park Point.

V. McNABney
727-4378
1123 Minn Ave.
Duluth, MN 55802

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