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	PL13-017		**Contact**	Kyle Deming, kdeming@duluthmn.gov	
Application Type	Interim Use Permit		**Planning Commission Date**	March 12, 2013	
Deadline for Action	**Application Date**		January 30, 2013	**60 Days**	March 31, 2013
	Date Extension Letter Mailed		February 21, 2013	**120 Days**	May 30, 2013
Location of Subject	3315 Minnesota Ave.				
Applicant	Doug Sabo & Lorri Hanna		**Contact**	dsabo@soltreks.com, 218-830-1233	
Agent	Same		**Contact**		
Legal Description	Parcel I.D. #010-3110-01490				
Site Visit Date	February 26, 2013		**Sign Notice Date**	February 26, 2013	
Neighbor Letter Date	February 22, 2013		**Number of Letters Sent**	31	

Proposal

Interim Use Permit for a Vacation Dwelling Unit consisting of two (2) bedrooms.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Dwelling	Traditional Neighborhood
North	R-1	Superior Bay	Traditional Neighborhood
South	R-1	Dwellings	Traditional Neighborhood
East	R-1	Dwellings	Traditional Neighborhood
West	R-1	Superior Bay	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.

2.) The site is 160' wide by roughly 60-90' deep. It has 3 three off-street parking spaces (2 required);

3.) The applicant will be the managing agent (and has a backup agent - their neighbor). Applicant has notified all owners within 100 feet;

4.) A time limit on this Interim Use is needed to verify that the Vacation Dwelling Units at this location can function without negative impacts on surrounding residential uses thereby causing damage to the public's health, safety and welfare.

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.

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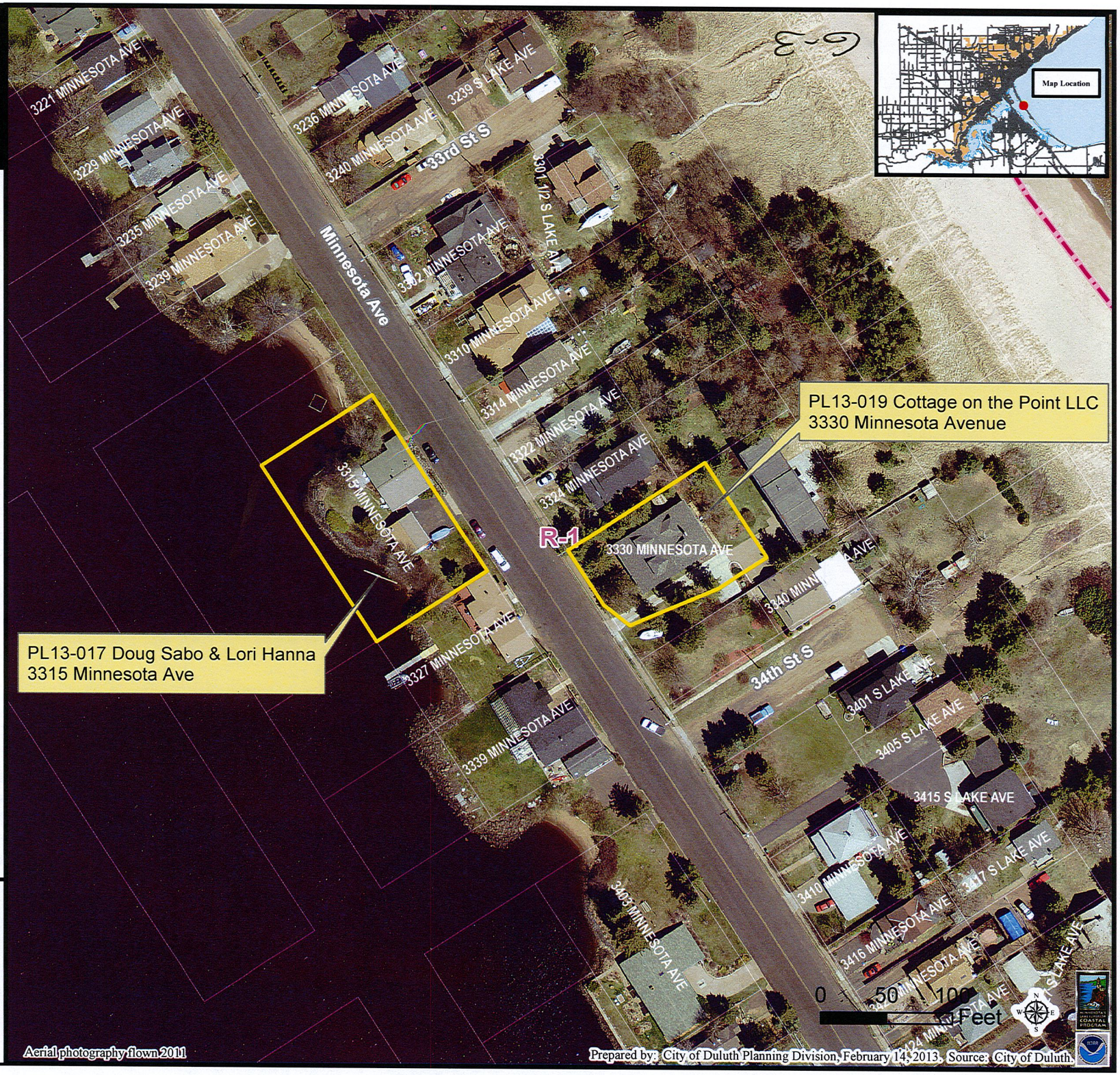
Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)

City Planning

PL13-017 and PL13-019
Vacation Dwelling Unit Interim Use Permits
3315 Minnesota Ave: Douglas Sabo
3330 Minnesota Ave: Cottage on Pt.



Legend

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.

City Planning

PL13-017 and PL13-019
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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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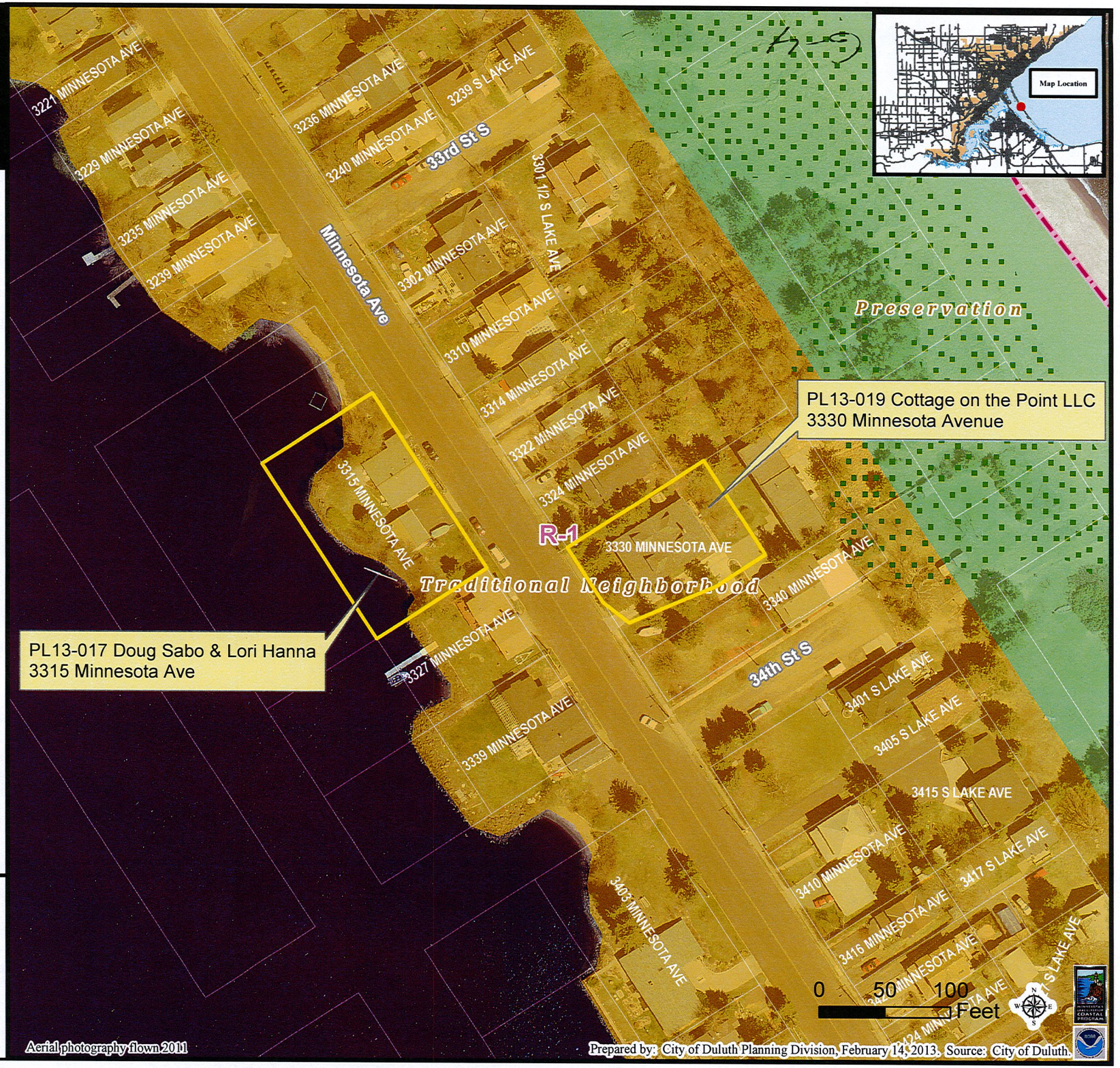

3315 Minnesota Ave looking northwest

3315 Minnesota Ave. looking west

3315 Minnesota Ave. – taken from Minnesota Ave looking southwest

3315 Minnesota Ave – looking Southwest

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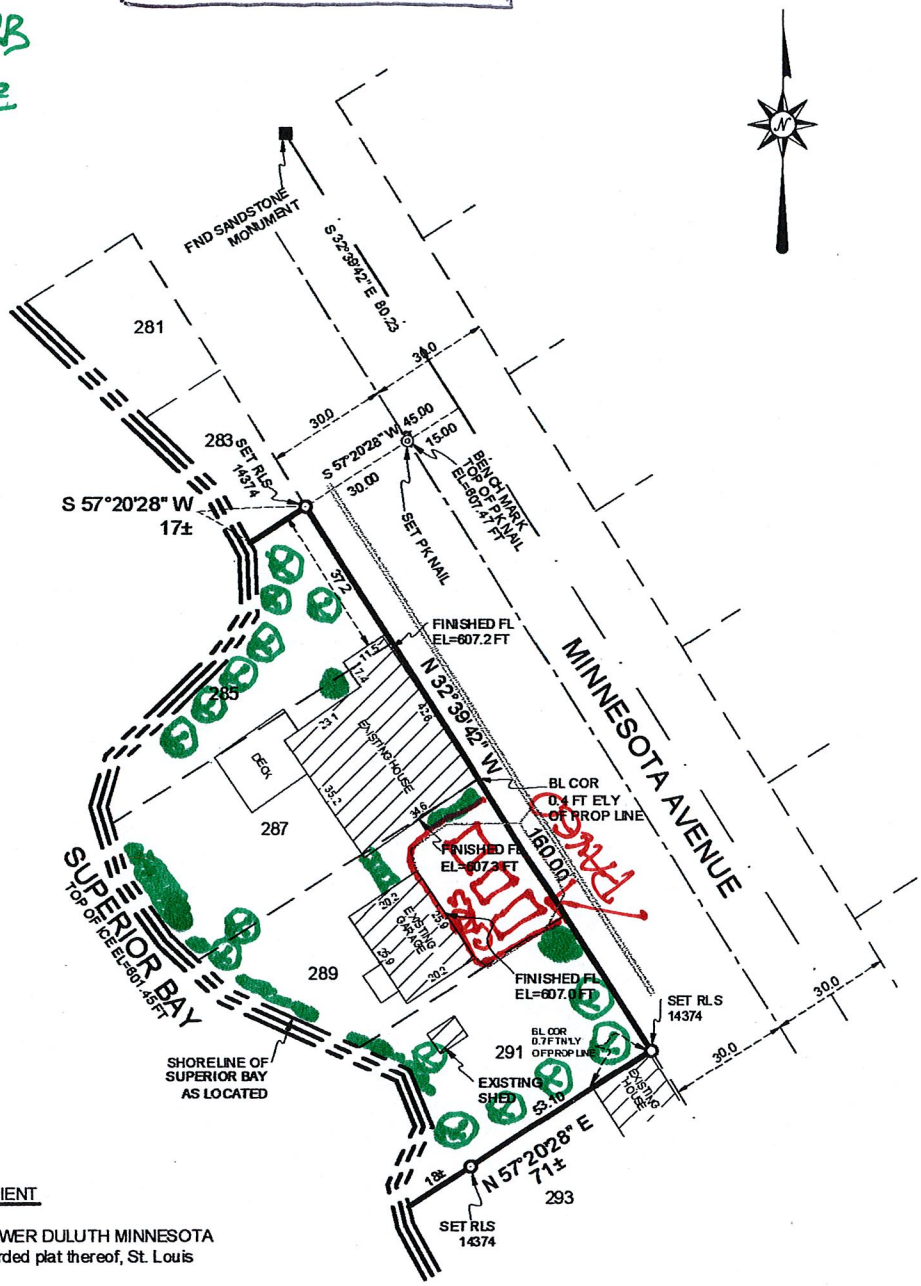
~~CERTIFICATE OF SURVEY~~

SITE PLAN

(T) = TREE

= SHRUB

IIII = FENCE



LEGAL DESCRIPTION PER CLIENT

Lots 285, 287, 289 and 291, LOWER DULUTH MINNESOTA AVENUE, according to the recorded plat thereof, St. Louis County, Minnesota.

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Date: 12-28-09

Ronald L. Krueger MN License No. 14374

NOTES

BEARINGS ARE BASED ON AN ASSUMED DATUM.

BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY.

THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA SURVEY COMPANY, INC.

DATE: 12-21-09
SCALE: 1 IN = 30 FEET
CLIENT: DOUG SABO
PROPERTY ADD: 3315 MINNESOTA AVE
PROJECT NO: 09-141

ALTA
SURVEY COMPANY, INC.
Residential/Commercial Land Surveying-Land Development-Legal Descriptions
102 S. 21st Ave. W, Suite 4
Duluth, MN 55806
Phone: 218-727-5211 Fax: 218-727-3798

RECEIVED JAN 30 2013

"The Cottage"
Vacation Rental
3315 Minnesota Avenue
Duluth, MN 55802

Vacation Dwelling Unit Interim Use Permit Standards:

1. We understand the minimum rental period shall not be less then 5 nights during the period from June 15 – September 15 and during the rest of the year not be less then 2 nights.
2. The total number of persons renting at one time will be 5 or less.
3. The property has off street paved parking space for 1-3 vehicles.
4. We understand only one motorhome, trailer, for ATV's, boat, personal water craft, snowmobile, etc. may be parked at the site on or off the street.
5. We understand we must obtain all licenses and permits from the City of Duluth and State of MN required for guest occupancy on the property for 3 to 21 days.
6. We understand we 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, and interim use permit violations procedures.
7. We understand the interim use permit shall expire upon change of ownership of the property of in six years which ever occurs first.

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RECEIVED JAN 30 2013

1. We will be keeping a guest record including the name, address, phone number, and vehicle (and trailer) license plate information for all our guests.

2. We, Doug Sabo and Lorri Hanna, will be the managing agents and have a back up person when we are unavailable. Our neighbor Tim Buck (3314) has agreed to be our backup contact when we our unavailable. Below is his contact information:

Tim Buck – Cell 218-591-9255 – Work 218-720-0140
3314 Minnesota Ave.
Duluth, MN 55802
Parcel # 3110-03540
Directly across Street –East

3. We understand and we will provide the name, address, and phone number of the local contact to our neighbors within 100 feet from our property and notify them within 10 days of any changes in local contact.

4. Guest rules (currently in progress and under review by counsel).

5. We understand the rules for being cited for any nuisance event.

6. We will post our permit number on all print, poster or web ads.

7. We will have our rental inspected and an Operational Permit issued by the Fire Prevention Office.

8. We will apply for State and local sales tax numbers and Hotel and Motel Sales tax.

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RECEIVED JAN 30 2013

RENTAL RULES AND REGULATIONS

Property: The property is located on: Park Point, Duluth, Minnesota

"The Cottage"
3315 Minnesota Ave. Duluth, MN 55802

Contact Person(s): Doug Sabo and Lorri Hanna
2346 Hwy #3
Two Harbors, MN 55616
Doug Sabo 218-830-1233 or Lorri Hanna 612-867-2232

1. Rental Party: The rental party shall consist of no more than **(4)** Guests and the following persons **Names, Address, Phone #, Vehicle/Trailer License #** are:

PLEASE TYPE
1)

2)

3)

4)

2. Maximum Occupancy: The maximum number of guests is limited to **(4)** persons. **(No small children).**

3. Term of the Lease: The lease begins at 3:00 p.m. on _____ (the "Check-in Date") and ends at 11:00 p.m. on _____ (the "Checkout Date").

4. Minimum Stay: This property requires a **5 night minimum stay** from **June 15 – September 15** and **2 night minimum stay** from **September 16 – June 14**. Longer minimum stays may be required during holiday periods and *Grandma's Marathon week.*

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5. Rental Rules: Guest agrees to abide by the Rental Rules at all times while at the property and shall cause all members of the rental party and anyone else that the Guest(s) permits on the property to abide by the following rules at all times while at the property.

6. Access: Guest shall allow Homeowner access to the property for purposes of repair and inspection. Homeowner shall exercise this right of access in a reasonable manner.

7. Smoking is **NOT** allowed on the premises of the property.

8. People other than those in the Guest party set forth above may not stay overnight. Any other person in the property is the sole responsibility of Guest.

9. Keep the property and all furnishings in good order.

10. Only use appliances for their intended uses.

11. Pets are **NOT** allowed.

12. Parking – Parking is limited to **(2)** vehicle(s) and **(1)** Boat/trailer or RV. Vehicles are to be parked in designated parking areas only. Any illegally parked cars are subject to towing; applicable fines/towing fees are the sole responsibility of the vehicle owner. (NO PARKING ON THE GRASS)

13. Housekeeping: There is no daily housekeeping service. While linens and bath towels are included in the unit, daily maid service is not included. We suggest you bring beach towels. We do not permit towels or linens to be taken from the units.

14. Fireplace: The fireplace is a vented propane gas log fireplace. Please do not set anything on the fireplace. Fireplaces are turned on/off with the black remote. Please make sure the outside vent is unobstructed. Please turn off fireplace when not in room monitoring it.

15. Sauna: Please contact owner for use.

16. Renters will be asked to leave immediately if they become a nuisance to our neighbors, disrespectful to the home and or property or refuse to follow the above rules and regulations.

Guest Sign _____ Date _____

Guest Name (Print) _____

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