



CITY OF DULUTH
 Planning Division

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STAFF REPORT

File Number	PL 14-055	Contact	Jenn Reed Moses, jmoses@duluthmn.gov	
Application Type	Interim Use Permit	Planning Commission Date	June 10, 2014	
Deadline for Action	Application Date	May 5, 2014	60 Days	July 4, 2014
	Date Extension Letter Mailed	May 20, 2014	120 Days	September 2, 2014
Location of Subject	1026 N 10th Avenue E			
Applicant	Eve Stein	Contact	evewgraves@gmail.com	
Agent		Contact		
Legal Description				
Site Visit Date	N/A	Sign Notice Date	May 27, 2014	
Neighbor Letter Date	May 27, 2014	Number of Letters Sent	50	

Proposal

Applicant would like to use her single-family house as a vacation dwelling unit. A vacation dwelling unit allows rentals for 3 to 21 days.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood
North	R-1	Church	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	R-1	Residential	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.

III. A-1

Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

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.

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

Staff finds that:

- 1.) Applicant is applying for an Interim Use Permit. A time limit on this Interim Use is needed to verify that the Vacation Dwelling Unit can function without negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. The Permit shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 2.) Property is a single-family house with 3 bedrooms. Applicant is proposing to allow a maximum of 7 guests. Three parking spaces will be provided on the rear of the property, which has demonstrated legal access via E 11th Street.
- 3.) The minimum rental period shall not be less than 2 nights except for the period from June 15 to September 15 when the minimum rental period shall not be less than 5 nights.
- 4.) Owner lives 10 miles from the site and will act as the managing agent. She will contact all property owners within 100' of property boundary upon approval of this Permit.
- 5.) Applicant has completed an inspection from the Minnesota Department of Health as part of the process for obtaining a Lodging License. She has provided tax identification numbers, obtained an Operational Permit from the Fire Department, and has applied for both a Hotel/Motel License and a Tourism Tax permit.
- 6.) One phone call and one email were received from neighbors asking questions about the application. No additional City, agency, or public comments were received.
- 7.) According to UDC Section 50-37.N, an approved interim use permit shall lapse if the project or activity is not begun within 1 year of the permit date.

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

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

- 1.) 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.
- 2.) The Interim Use Permit shall not be effective until the applicant has received all required licenses and permits for operation.
- 3.) The applicant shall adhere to the terms and conditions listed in the interim use permit document.
- 4.) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

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

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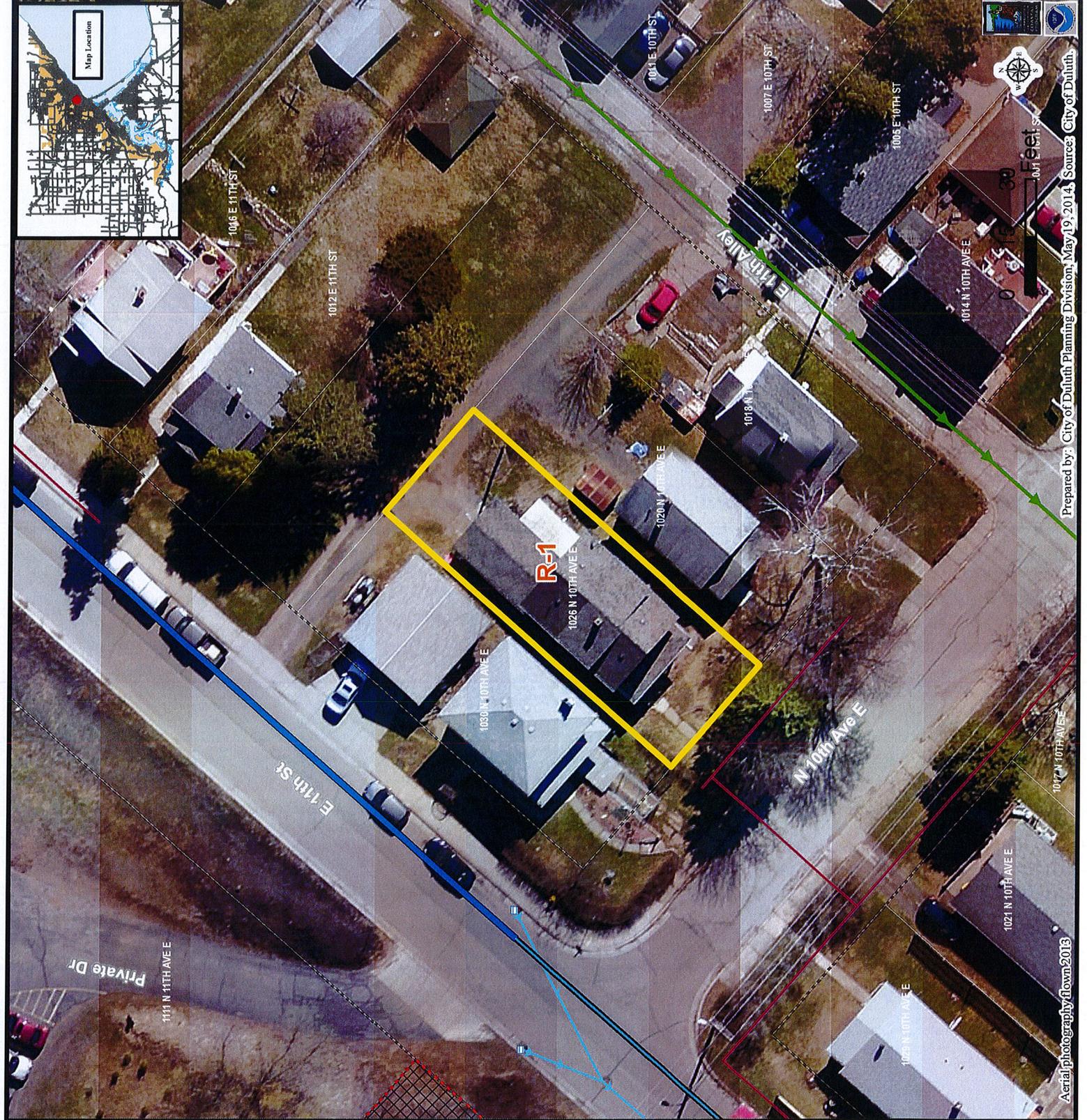


City Planning

PL 14-055
Interim Use Permit
1026 N 10th Ave E

Legend

- Zoning Boundaries
- 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
- 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



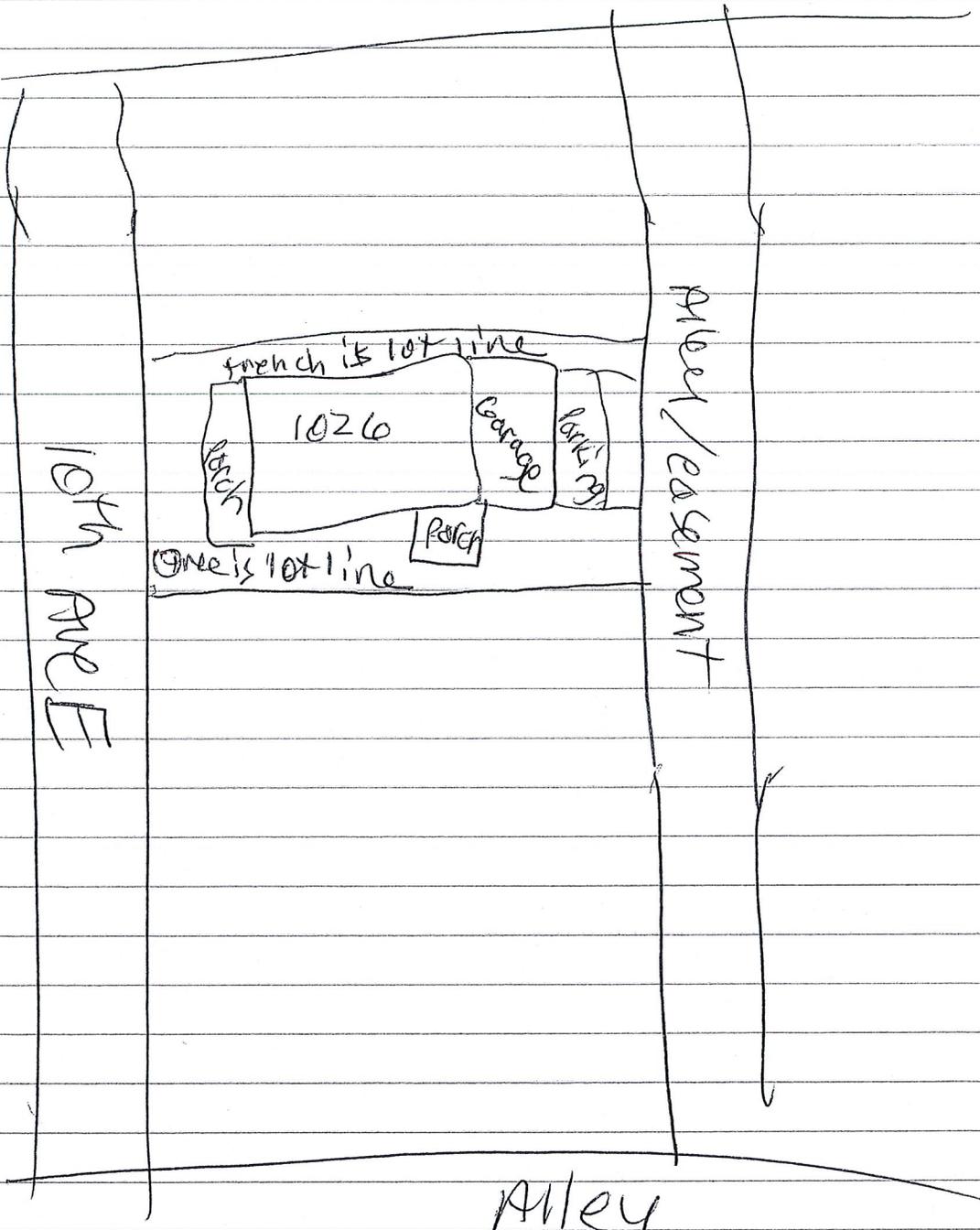
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used 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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Aerial photography from 2013

Prepared by: City of Duluth Planning Division, May 19, 2014. Source: City of Duluth.

11th street



Aley

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1. My minimum rental period will not be less than 5 nights during the period from June 15 to September 15. My minimum rental period will not be less than 2 nights during the rest of the year.
2. The total number of persons that may occupy my vacation dwelling unit is one person plus the number of bedrooms multiplied by two.
3. Off-street parking shall be provided at the following rate:
 - a. 1-2 bedroom unit, 1 space
 - b. 3-4 bedroom unit, 2 spaces
 - c. 5+ bedroom unit, 3 spaces
4. Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at
5. I have obtained or am in the process of obtaining all licenses and permits from the City of Duluth and State of Minnesota required for guest occupancy on the property for 3 to 21

days.

6. I will 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, taxation, and interim use permit violations procedures.

7. My interim use permit shall expire upon change in ownership of the property or in six years, whichever occurs first.

1. I will keep a guest record including the name, address, phone number, and vehicle (and trailer) license plate information for all guests and must provide a report to the City upon 48 hours' notice.

2. I will designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24-hours-a-day to any

complaints from neighbors or the City. I will notify the Land Use Supervisor within 10 days of a change in the managing agent or local contact's contact information.

3. I will provide the name, address, and phone number for the managing agent or local contact to all property owners within 100' of the property boundary. The permit holder must notify neighboring properties within 10 days of a change in the managing agent or local contact's contact
4. I will disclose in writing to their guests the following rules and regulations:
 - a. The managing agent or local contact's name, address, and phone number;
 - b. The maximum number of guests allowed at the property;
 - c. The maximum number of vehicles, recreational vehicles, and trailers allowed at the property and where they are to be parked;
 - d. Property rules related to use of

exterior features of the property, such as decks, patios, grills, recreational fires, pools, hot tubs, saunas and other outdoor recreational facilities;

e. Applicable sections of City ordinances governing noise, parks, parking and pets;

5. If I am cited for any nuisance event as described in Chapter 40, Article III of the Duluth Legislative Code, the Land Use Supervisor may suspend the Interim Use Permit for 90 days. If the permit holder is cited for any nuisance event a second time, the Interim Use Permit shall be revoked.
6. I will post my permit number on all print, poster or web advertisements;
7. I had the building inspected and an Operational Permit will be issued by the Fire Prevention office.
8. I have a State and local sales tax numbers, including Hotel and Motel Use Sales Tax.

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1026 N 10th Avenue E

Site Photos



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