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	PL 15-103		**Contact**	Steven Robertson, 218 730 5295	
Application Type	Interim Use Permit, Vacation Rental		**Planning Commission Date**	August 11, 2015	
Deadline for Action	**Application Date**	July 6, 2015	**60 Days**	September 5, 2015	
	Date Extension Letter Mailed	July 22, 2015	**120 Days**	November 4, 2015	
Location of Subject	416 88th Avenue West				
Applicant	Lawrence Telega		**Contact**	larrytelega@gmail.com	
Agent			**Contact**		
Legal Description	010-2550-05162				
Site Visit Date	July 30, 2015		**Sign Notice Date**	July 27, 2015	
Neighbor Letter Date	July 29, 2015		**Number of Letters Sent**	19	

Proposal

The applicant would like to use his home as a vacation rental property. A vacation dwelling unit allows rentals for 3 to 21 days, with a minimum of 2 nights, with the exception of a minimum of 5 nights from June 15 to September 15 for properties zoned RR-1, RR-2, R-1, and R-P.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	I-G	Undeveloped/RR ROW	Recreation
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.

II. D-1

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

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.

Note: Interim Use Permits are approved, approved with recommendations, or denied by the City Council by resolution after a public hearing is held by the Planing Commission. Interim Use Permits expire if the project or activity authorized by the permit is not begun within 1 year.

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

1) Applicant is applying for an Interim Use Permit. 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.
2) 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. Typically Planning Staff recommends that the City Council resolution states that approval shall expire upon change in ownership of the property or in six years, whichever occurs first.
3) The applicant owns a portion of an outlot in Ironton 4th Division of Duluth; the lot is total 120 feet wide by 120 feet long. According to St. Louis County records, the home was built in 1958 and has a gross area of 1,216 sq. ft. and has 3 bedrooms. There is also a 912 square foot garage, built in 1985.
4) The applicant will rent out all 3 bedrooms, allowing a maximum of 7 guests at any one time. The applicant will provide two off street parking spaces in his driveway.
5) Permit holders must designate a managing agent or local contact who resides with 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. Applicant will act as managing agent.
6) The applicant has not provided any plans showing additional buffering/screening. Based on the location (near railroad right of way to the rear, apartment to the north, and a single family home a modest distance to the south), staff do not believe additional screening is required to reduce land use conflicts.
7) Applicant has completed an inspection from the Minnesota Department of Health as part of the process for obtaining a Lodging License (on 6/17/15, with several corrections required), and one with the City's fire prevention officer (on 6/22/15, with six corrections required). Applicant has applied for a City Hotel/Motel License and a Tourism Tax permit (#1409) . Applicant currently has a state tax identification number.
8) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").
9) No public, agency, or City comments were received.

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

Based on the above findings, Staff recommends that Planning Commission recommend approval subject to the following:
1) The Interim Use Permit shall not be effective until the applicant has received all required licenses and permits for operation.
2) The applicant shall adhere to the terms and conditions listed in the interim use permit document and provide evidence of compliance, which will be included in the resolution to the City Council (guest record book including name, address, phone number and vehicle license plate; name, address, and phone number of local contact/managing agent to property owners within a 100 feet; rules of how the property can be used must be provided to guests including selected city ordinances on parking, parks, pets and noise; and acknowledge that interim use permit may be suspended in the event of multiple nuisance calls).
3) 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 review; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

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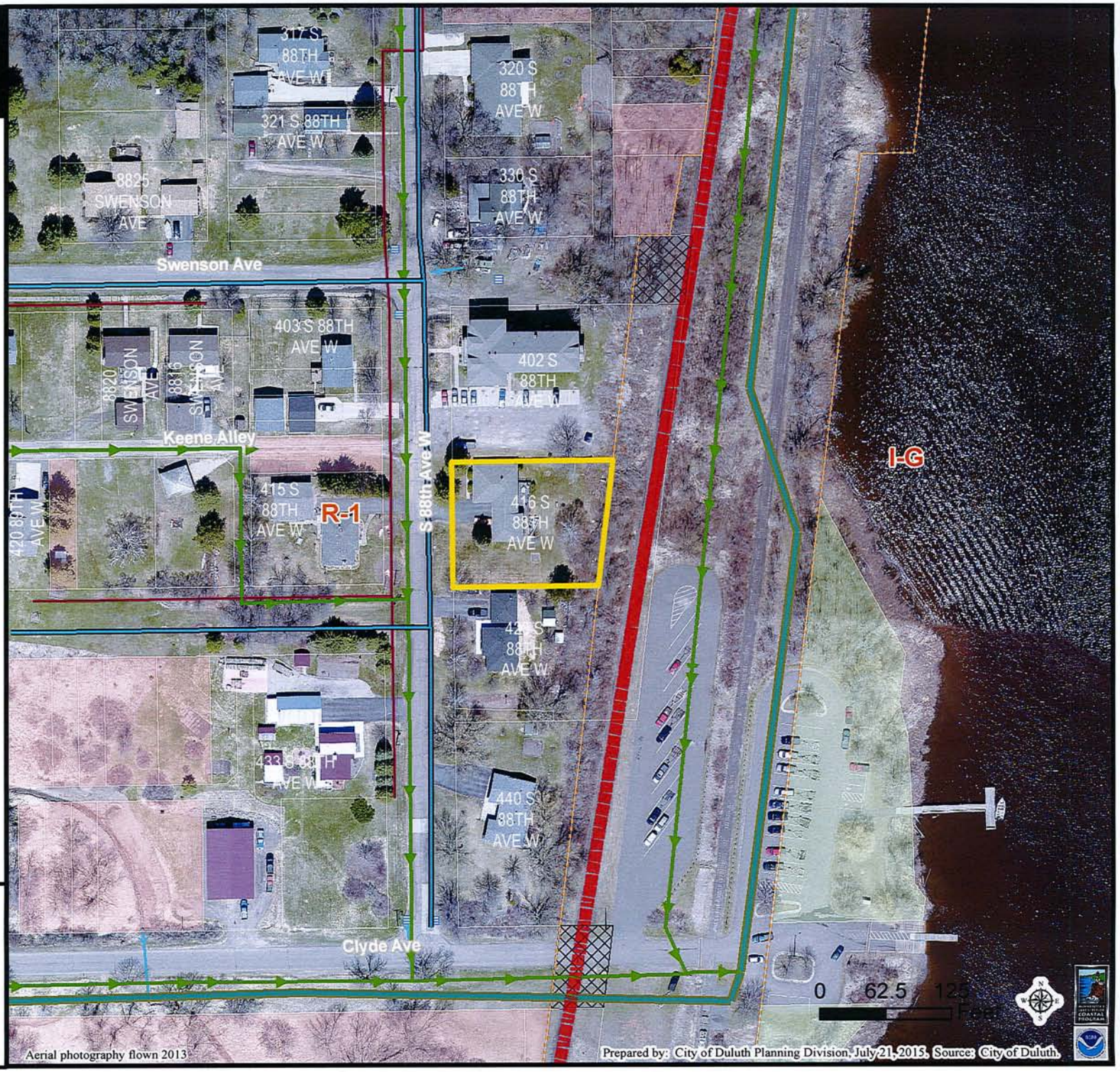
Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)

City Planning

PL 15-103

416 88th Ave W



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Vacated ROW

Easement Type

Easement Type

Utility Easement

Other Easement

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Trout Stream (GPS)

Other Stream (GPS)

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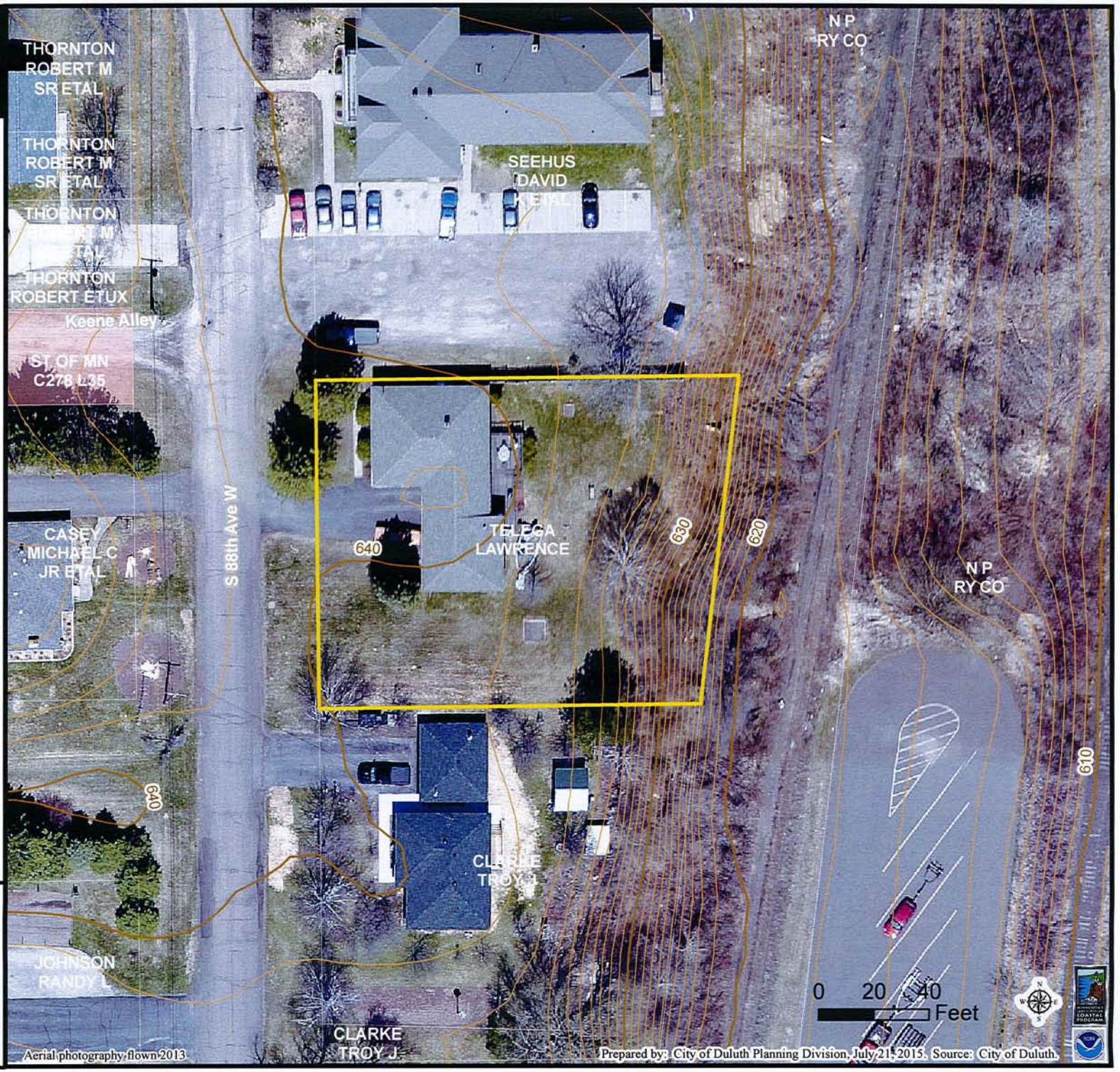
City Planning
PL 15-103
416 88th Ave W



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- Trout Stream (GPS)
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- Intermediate
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Dear Sir

- I am applying for the interim use permit and agree to comply with:
- Rent for 3 to 21 days except 5 night minimum between June 15th and September 15th.
- That the maximum number of guests will be one person plus number of bedrooms times two.
- I will abide with the off street parking rule.
- No more than one motorhome and one trailer may be parked at the site.
- I have obtained all licenses and permits required.
- I agree to provide required documents ahhere to additional requirements listed in COD's UDC application manual. These being:
- Keep a guest record for the local contact, property use rules, taxation and IUP violation procedures.
- I agree to be in full compliance with the City of Duluth's vacation rental regulations.

Thank you

Larry Telega

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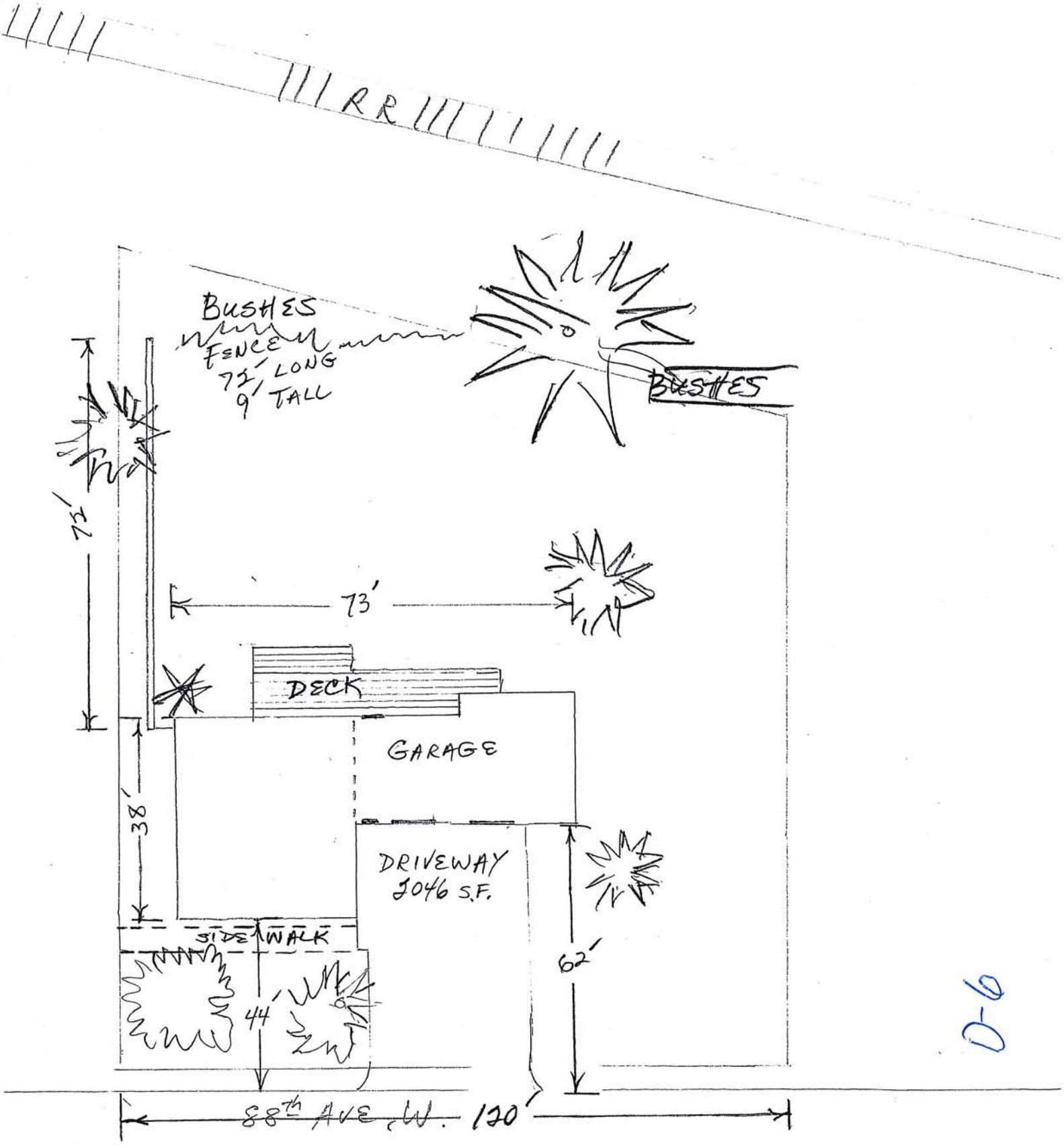
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D-6

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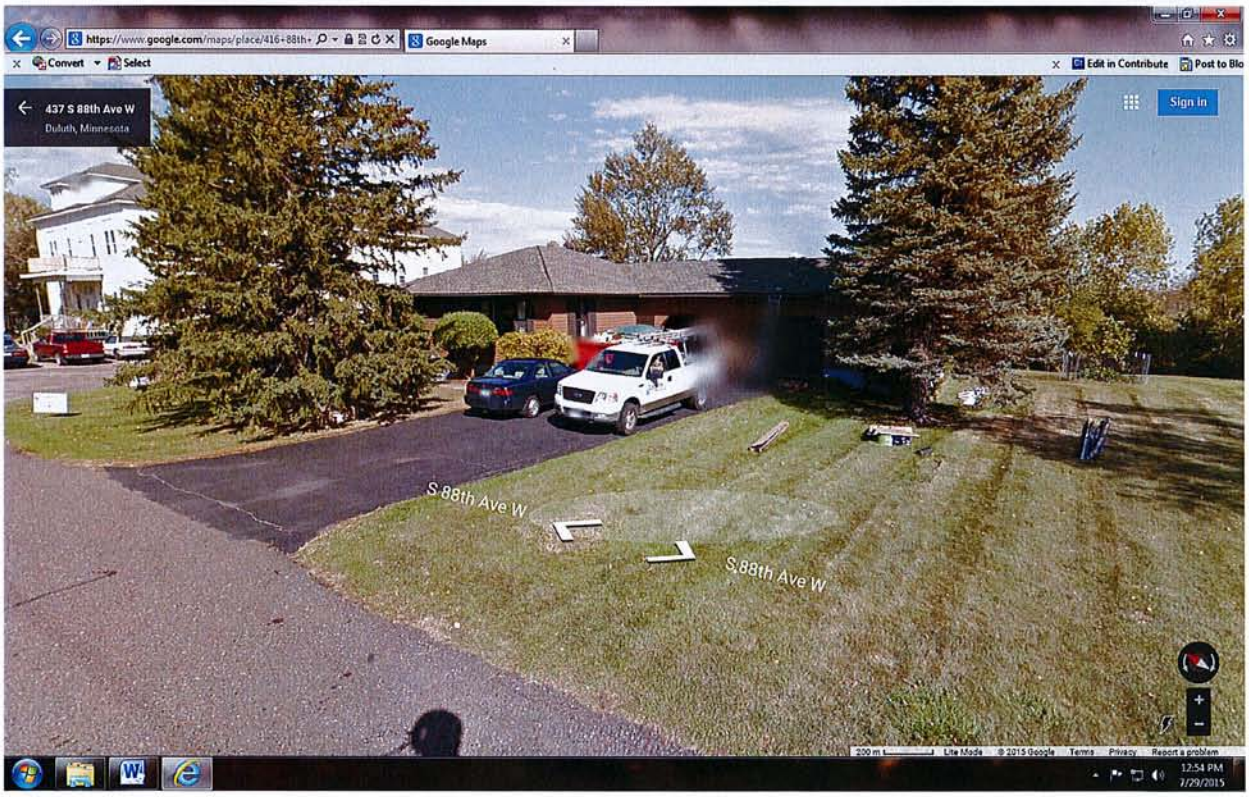
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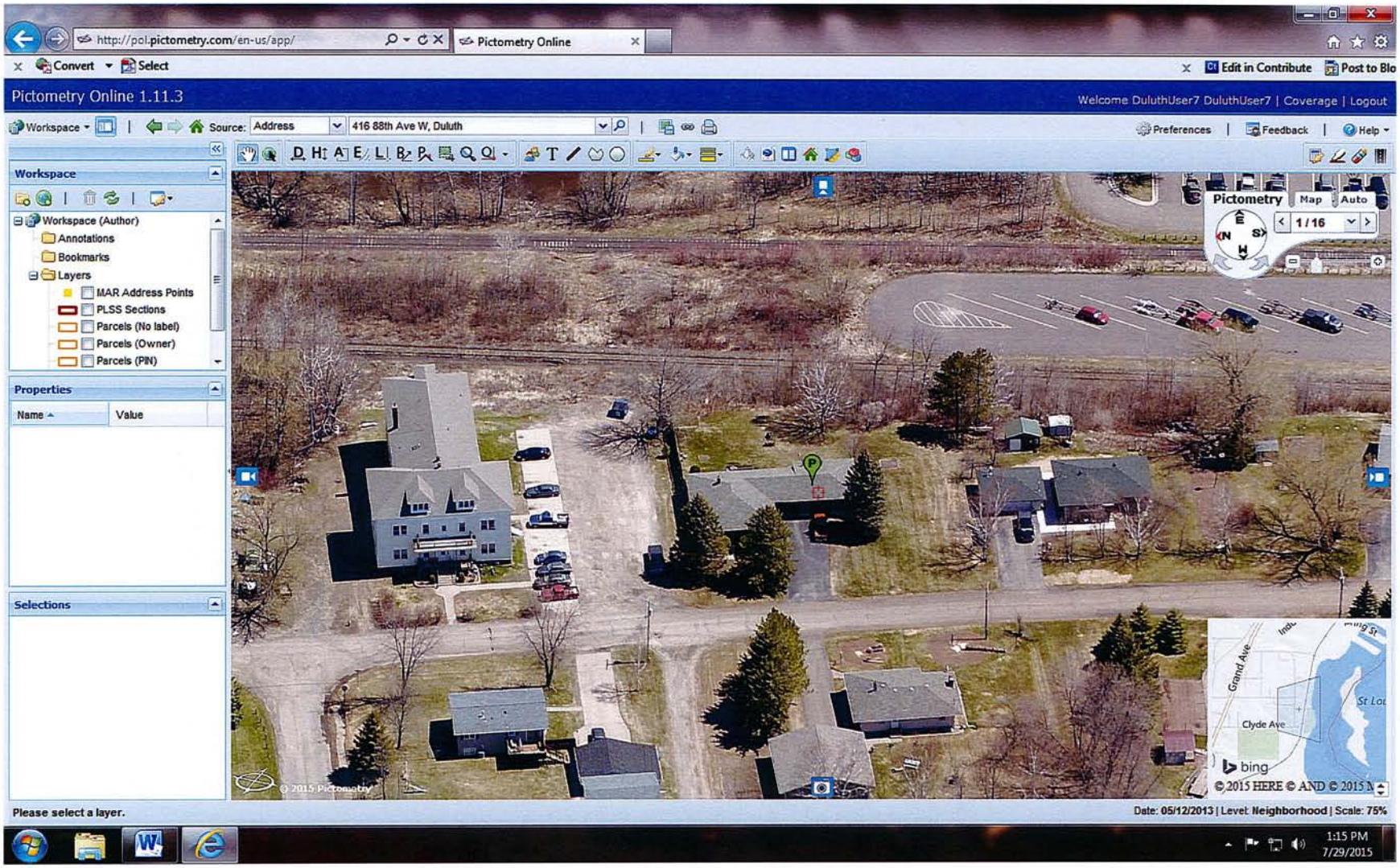
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