CITY OF DULUTH
Community Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
Phone: 218/730.5580 Fax: 218/723-3559

File Number	PL 16-101		**Contact**	Chris Lee, clee@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit		**Planning Commission Date**		October 11 2016
Deadline for Action	**Application Date**		August 15, 2016	**60 Days**	October 13, 2016
	Date Extension Letter Mailed		September 26, 2016	**120 Days**	December 12, 2016
Location of Subject	241 West Arrowhead Road				
Applicant	Susan Yunis		**Contact**	syunis@css.edu	
Agent			**Contact**		
Legal Description	010-1860-01170				
Site Visit Date	September 22, 2016		**Sign Notice Date**		September 27, 2016
Neighbor Letter Date	September 26, 2016		**Number of Letters Sent**		45

Proposal
The applicant proposes use of her house as a vacation rental property. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of 2 nights.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Single family residential	Traditional Neighborhood
North	R-1	Single family residential	Traditional Neighborhood
South	R-1	Single family residential	Traditional Neighborhood
East	R-1	Single family residential	Traditional Neighborhood
West	R-1	Single family residential	Traditional Neighborhood

Summary of Code Requirements

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 meet.

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

Governing Principle #8 - Encourage mix of activities, uses, and densities

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.

The site is developed consistent with the future land use as described and the applicants are not proposing alterations to the use.

Review and Discussion Items

1) The applicant's property is located on 241 West Arrowhead Road. The dwelling unit has 3 bedrooms, which would allow for a maximum of 7 people.

2) 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.

3) Off-Parking for the will be provided as two stalls in the garage and another two spaces on the driveway on the northwest corner of the property.

4) The site plan submitted indicates there is a brick patio. The site plan shows existing screening/buffering in the north, east, and west sides of the yard from the adjacent property that should provide ample screening to the property. Additional screening will be added to the southeast corner of the property to extend the tree line. A fire pit and seating area is proposed and will be screened from adjacent properties with existing screening.

5) A time limit on this Interim Use is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the interim use permit shall expire upon change in ownership of the property or in six years, whichever occurs first.

6) Applicant has completed an inspection from the Minnesota Department of Health as part of the process for obtaining a Lodging License, and one with the City's fire prevention office, for which an inspection was scheduled for 9/28/16. The Applicant has applied for the Hotel/Motel Tax numbers, and the Tax ID numbers.

7) 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").

8) No citizen or City Department comments were received on this zoning application.

Staff Recommendation

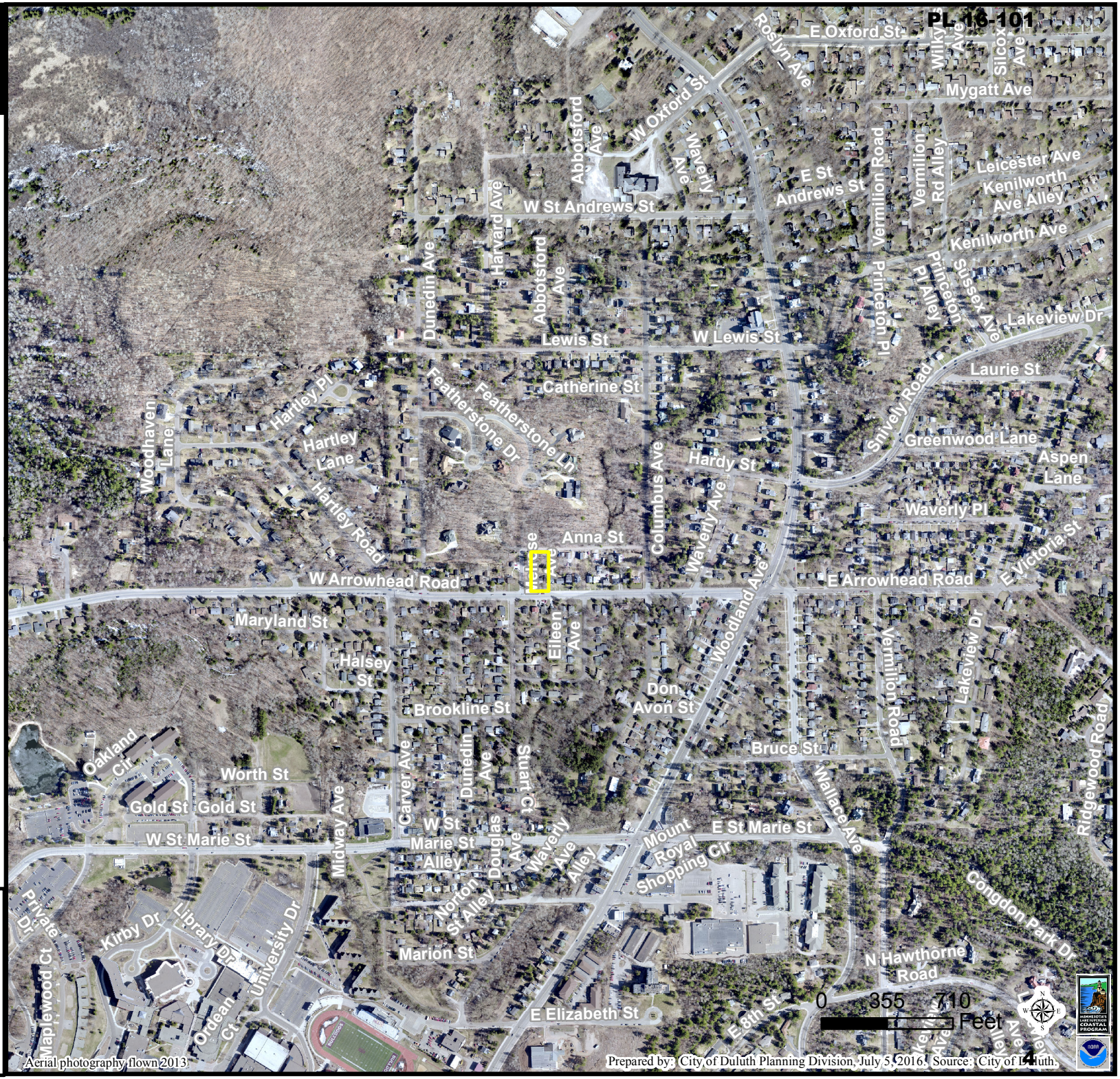
Based on the above findings, Staff recommends that Planning Commission recommend approval subject to the following:

1) The Interim Use Permit shall not be effective until the applicant has received all required licenses and permits for operation. A resolution will not go forward to City Council until the documents are provided to City Staff.
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.
3) 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.

City Planning

PL16-101: IUP
241 W. Arrowhead Rd

Legend



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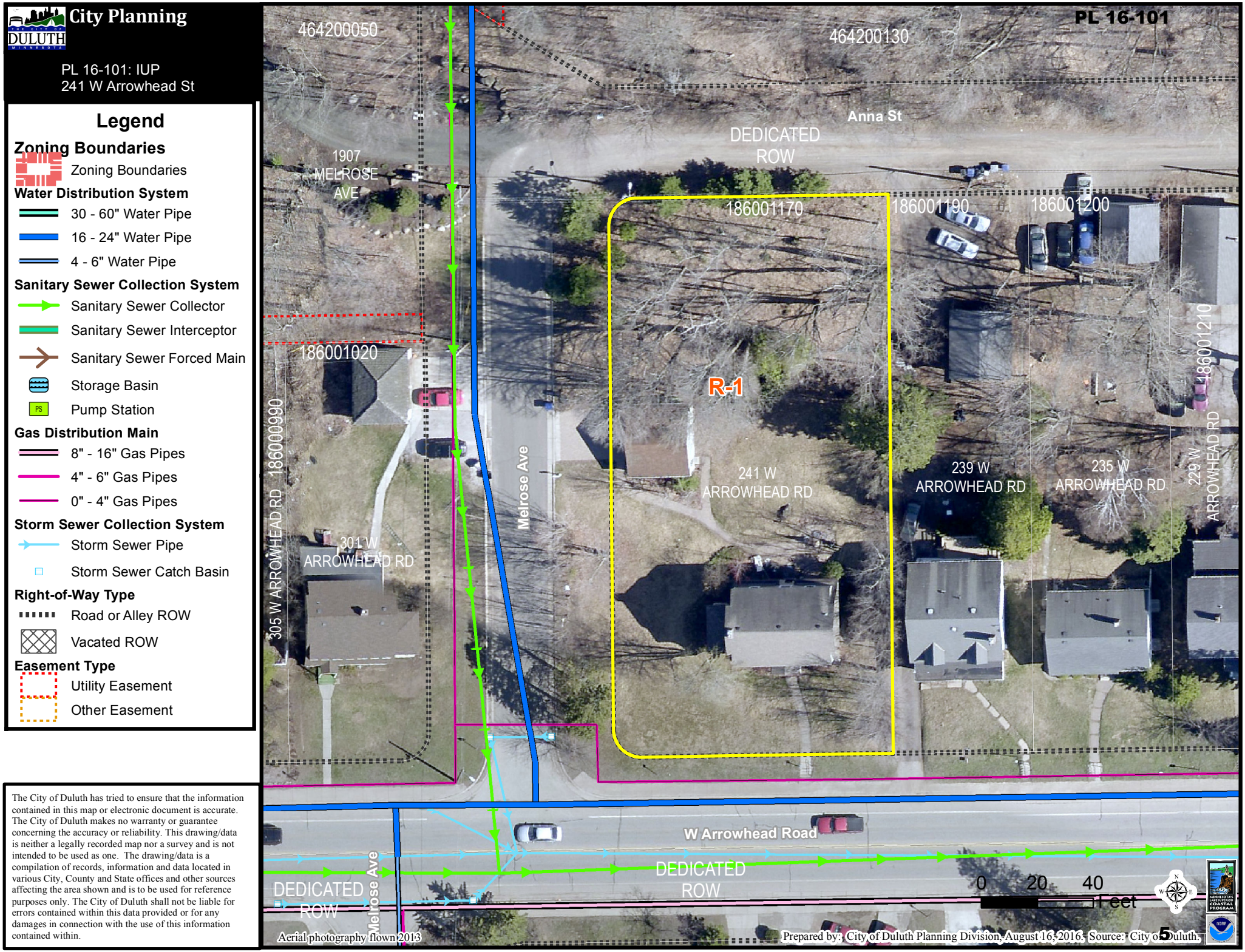

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PL 16-101

Legend

Zoning Boundaries

- Zoning Boundaries

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

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Traditional Neighborhood

2003 FEATHERSTONE DR

Featherstone Ln

2012 FEATHERSTONE LN

2008 FEATHERSTONE LN

1924 DUNEDIN AVE

1907 MELROSE AVE

Anna St

R-1

329 W ARROWHEAD RD
327 W ARROWHEAD RD
325 W ARROWHEAD RD
323 W ARROWHEAD RD
315 W ARROWHEAD RD
305 W ARROWHEAD RD
301 W ARROWHEAD RD
Melrose Ave
241 W ARROWHEAD RD
239 W ARROWHEAD RD
235 W ARROWHEAD RD
229 W ARROWHEAD RD
227 W ARROWHEAD RD
221 W ARROWHEAD RD

1907 COLUMBUS AVE

W Arrowhead Road

318 W ARROWHEAD RD
314 W ARROWHEAD RD
310 W ARROWHEAD RD
306 W ARROWHEAD RD
302 W ARROWHEAD RD
Dunedin Ave

1836 DUNEDIN AVE
1833 MELROSE AVE
1830 DUNEDIN AVE
1831 MELROSE AVE
1828 DUNEDIN AVE
1825 MELROSE AVE
1824 DUNEDIN AVE
1821 MELROSE AVE

222 W ARROWHEAD RD
218 W ARROWHEAD RD
214 W ARROWHEAD RD
210 W ARROWHEAD RD
206 W ARROWHEAD RD
202 W ARROWHEAD RD
Melrose Ave

1834 MELROSE AVE
1830 MELROSE AVE
1826 MELROSE AVE
1822 MELROSE AVE

1821 EILEEN AVE
1817 EILEEN AVE
1815 EILEEN AVE
1809 EILEEN AVE

1832 EILEEN AVE
116 W ARROWHEAD RD
108 W ARROWHEAD RD
Eileen Ave

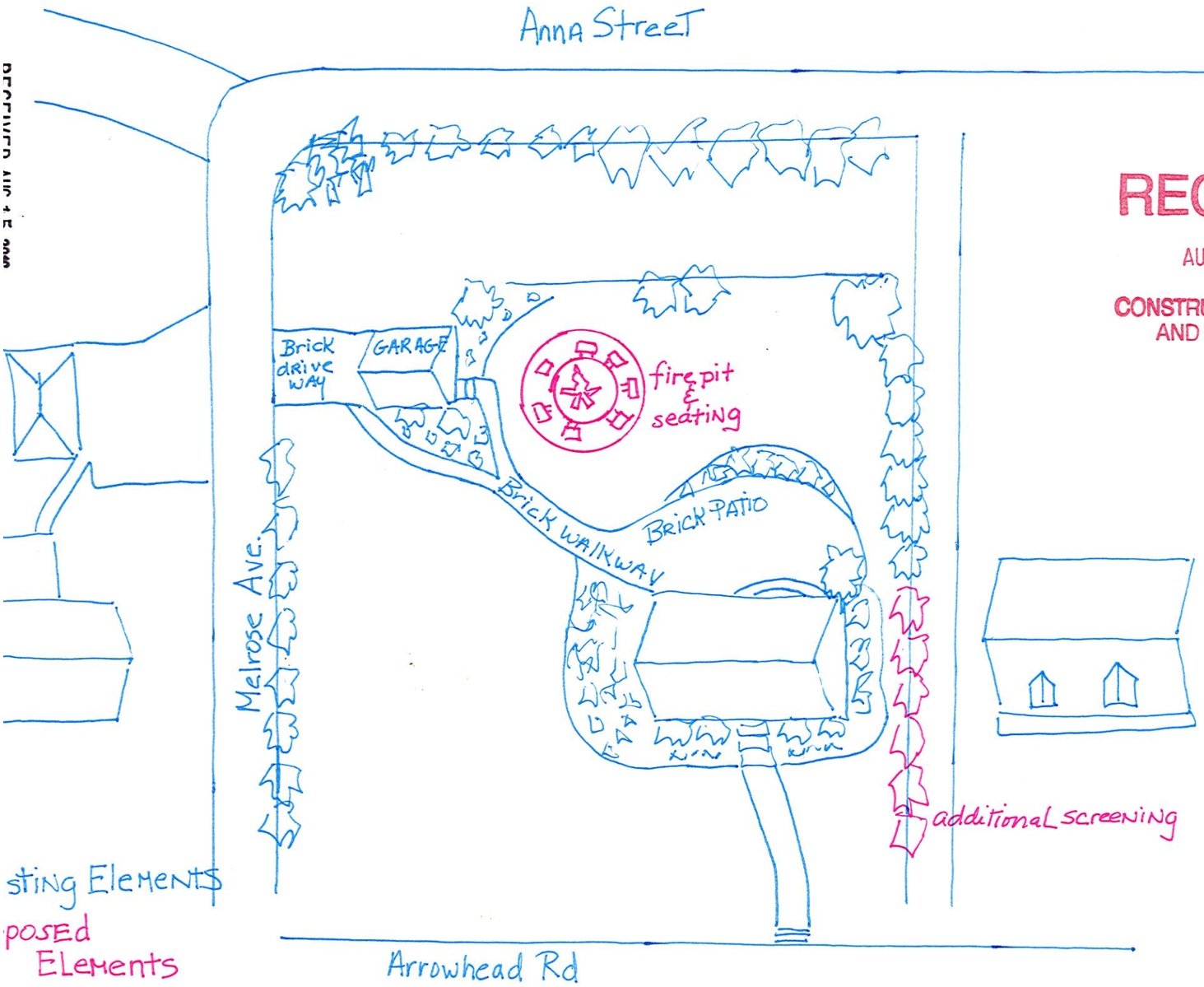
1822 EILEEN AVE
1816 EILEEN AVE
1810 EILEEN AVE

1833 COLUMBUS AVE

0 65 130 Feet

Aerial photography flown 2013

Prepared by: City of Duluth Planning Division, July 5, 2016. Source: City of Duluth.



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CONSTRUCTION SERVICE AND INSPECTIONS