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 16-107	**Contact**	Chris Lee, clee@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	**Planning Commission Date**		November 15 2016
Deadline for Action	**Application Date**	August 22, 2016	**60 Days**	October 21, 2016
	Date Extension Letter Mailed	October 27, 2016	**120 Days**	December 20, 2016
Location of Subject	350 Mygatt Ave			
Applicant	Julianna and Sri Muthu	**Contact**		
Agent		**Contact**		
Legal Description	LOTS 12 AND 13 AND WLY 25 FT OF LOT 14 OF BLOCK 2 OF THE KENILWORTH PARK ADDITION TO DULUTH			
Site Visit Date	October 14, 2016	**Sign Notice Date**		November 1, 2016
Neighbor Letter Date	October 27, 2016	**Number of Letters Sent**		50

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 350 Mygatt Aveune. The dwelling unit has 2 bedrooms, which would allow for a maximum of 5 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 has designated Jamie Panger as the managing agent.

3) Off-Parking for the will be provided as one space in the garage and another parking spot on the driveway on the north side of the house.

4) The site plan submitted indicates there is an outdoor porch available with screening on the south side. The site plan also shows existing screening/buffering in the west side of the yard from the adjacent property.

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 will need to complete 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. The Applicant will also need to apply for a Hotel/Motel License and a Tourism Tax permit.

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").

9) One citizen expressed concern regarding the house being used as a vacation rental when the owner doesn't reside in town, and mentioned a difficulty finding a house in the area when they are all listed as rentals. An additional letter of opposition came from a neighbor.

10) No other 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. The resolution cannot be affirmatively considered by the City Council until all required documentation is 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.

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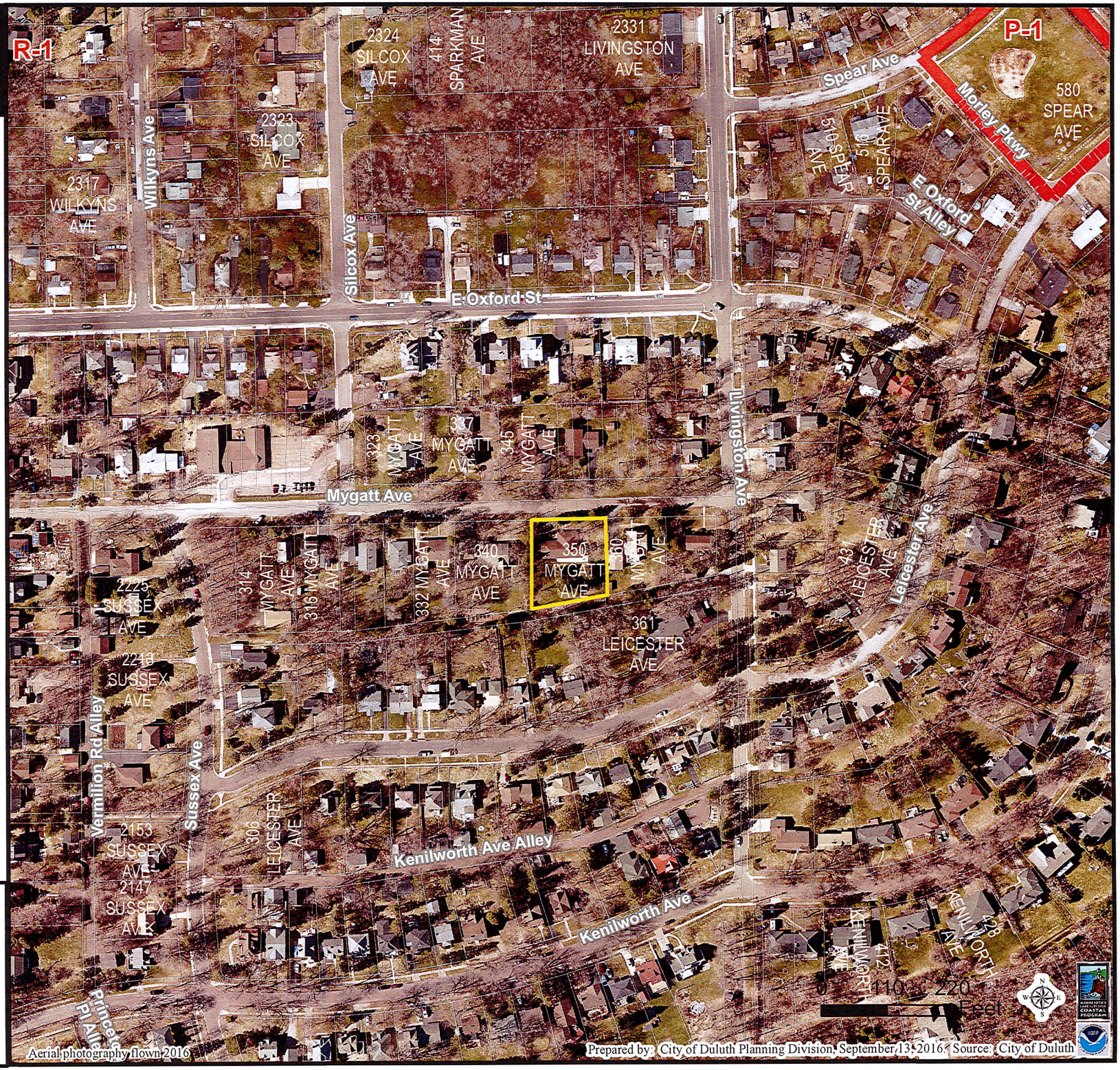
IUP

Legend

Zoning Boundaries

Zoning Boundaries



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Legend

Zoning Boundaries
- 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

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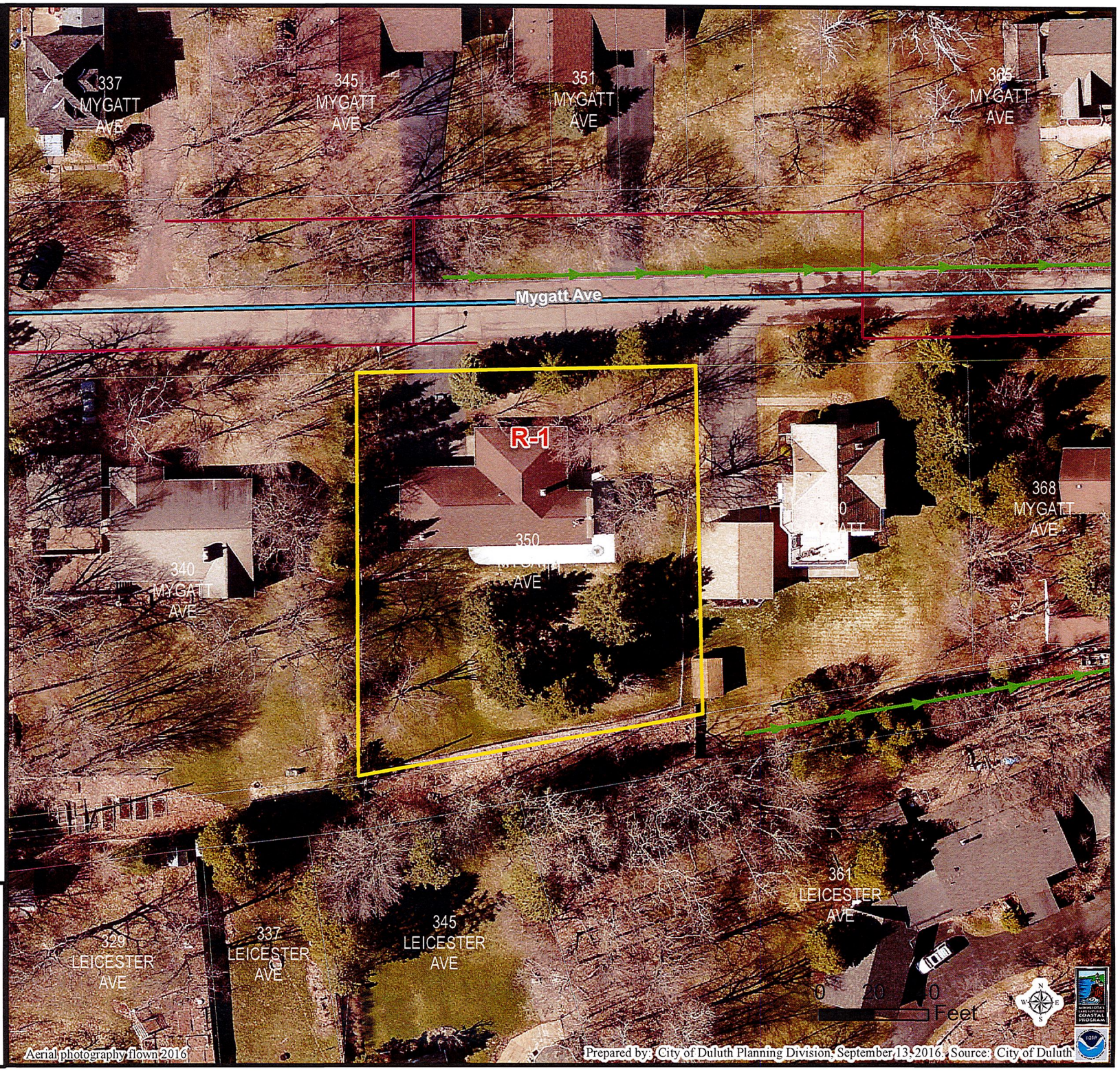

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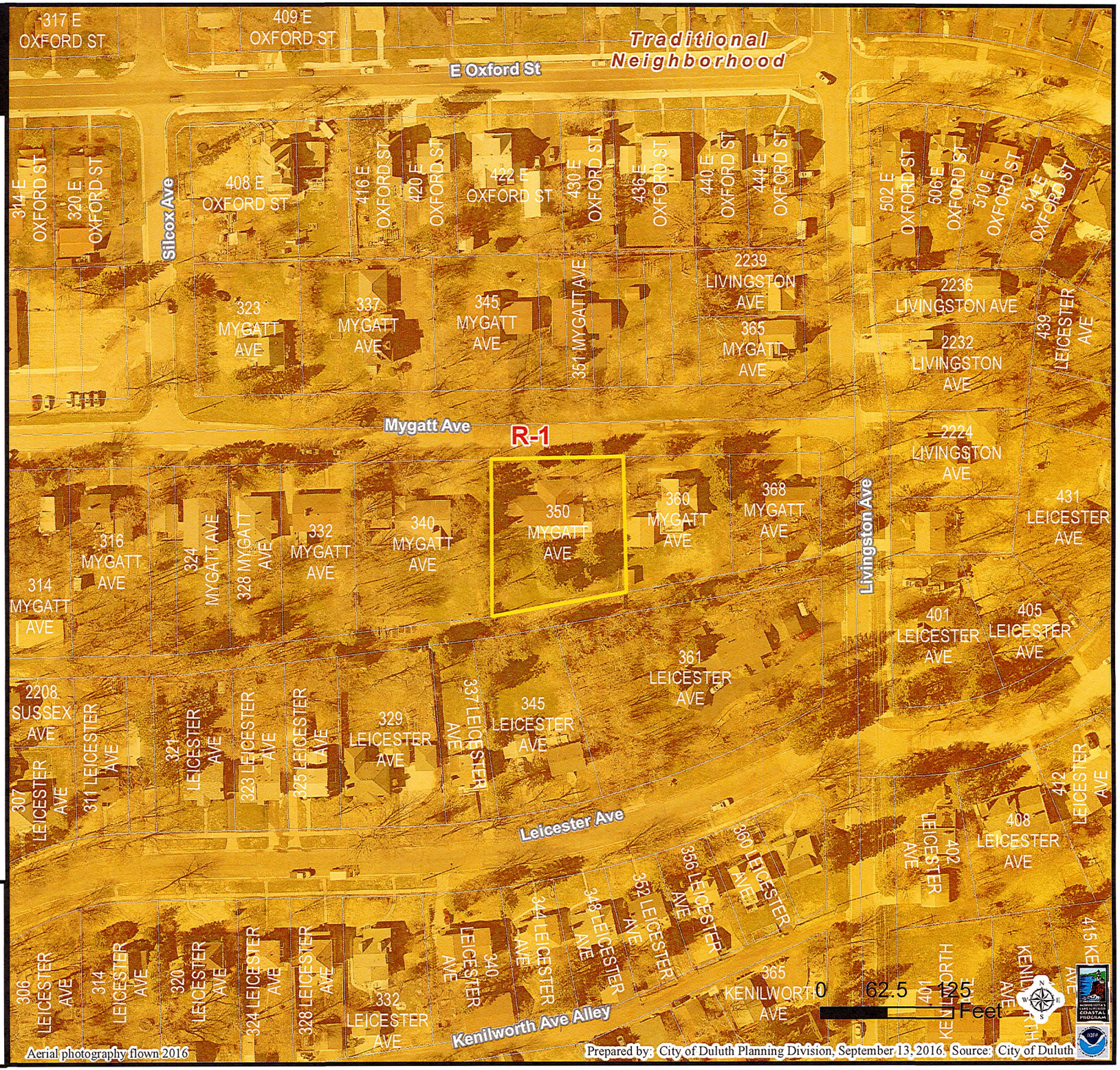
Legend

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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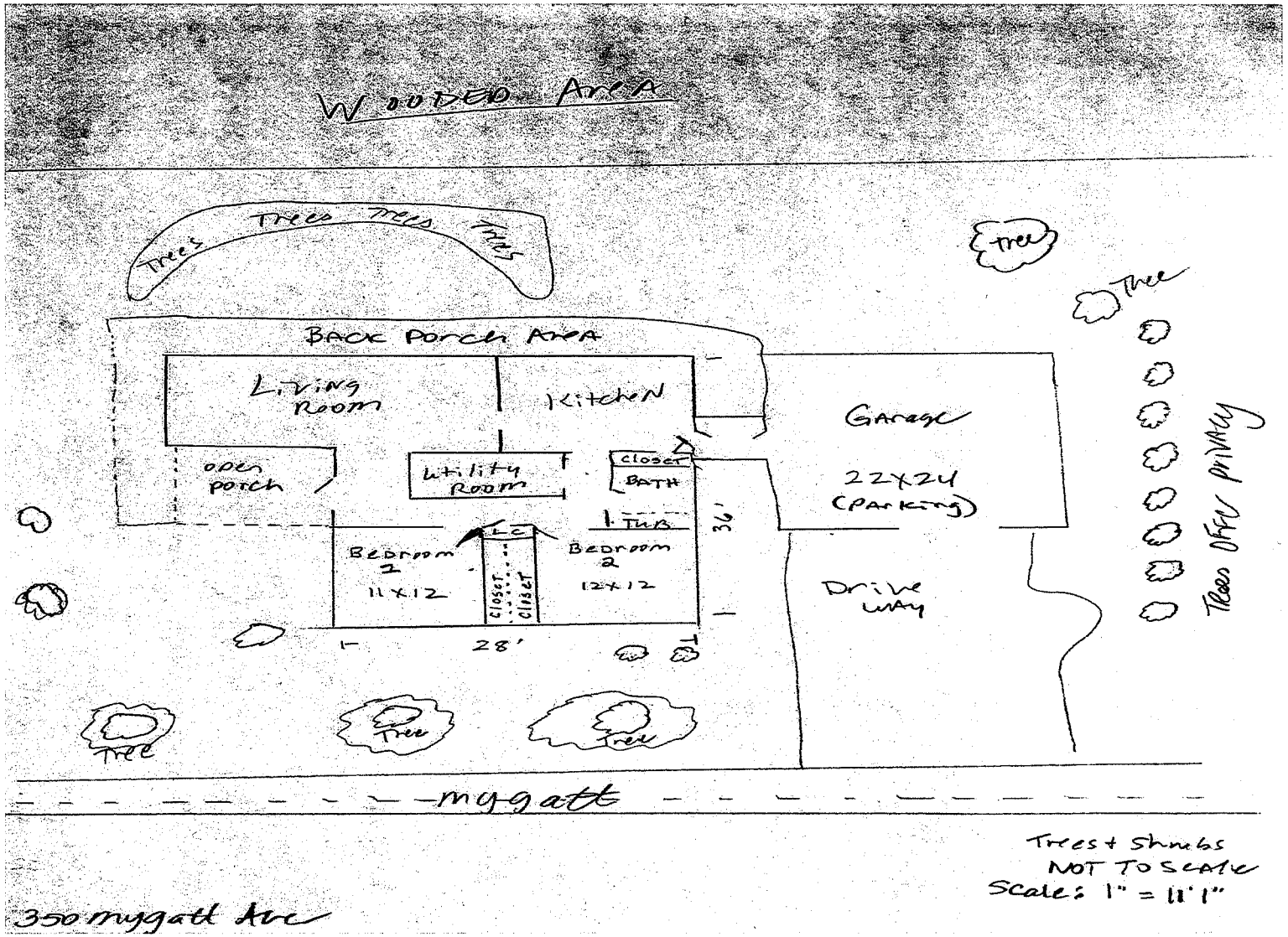
WOODED AREA
Trees
Trees
Trees
Trees
BACK PORCH AREA
Living Room
Kitchen
open porch
Utility Room
closet
BATH
TUB
L.C.
Bedroom 2
11x12
closet
closet
Bedroom 2
12x12
36'
28'
Garage
22x24
(parking)
Drive way
Tree
Tree
Tree
Tree
Tree
Tree
Trees offer privacy
mygatt
Trees + Shrubs
NOT TO SCALE
Scale: 1" = 11' 1"
350 mygatt Ave

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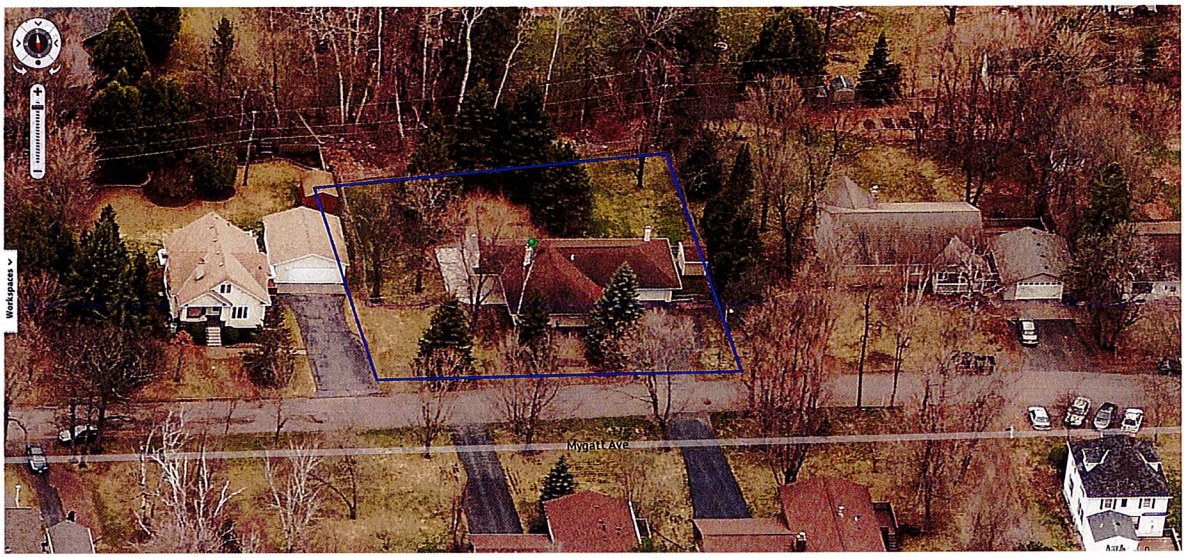
Workspaces
Mygatt Ave

ZONING NOTICE
APPLICANT: Julianna Mullins
ADDRESS OF PROPERTY: 3502 Mygatt Ave
Duluth, MN 55803
PROJECT NARRATIVE: Vacation Rental
TYPE OF PERMIT BEING SOUGHT: Vacation Rental
CONTACT INFORMATION: Julianna Mullins
418-517-4013
CONTACT INFORMATION (City of Duluth):
John Kelley
218-730-5328
DATE AND TIME OF PUBLIC HEARING: TBD
LOCATION: Third Floor Council Chambers, Duluth City Hall

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