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	PL16-137	**Contact**	Kate Van Daele, kvandaele@duluthmn.gov	
Type	Interim Use Permit- Vacation Dwelling Unit	**Planning Commission Date**		January 10, 2017
Deadline for Action	**Application Date**	Dec 12, 2016	**60 Days**	February 10, 2017
	Date Extension Letter Mailed	Dec 27, 2016	**120 Days**	April 11, 2017
Location of Subject	4011 London Road			
Applicant	Julie & Tim Casey & Greg & Dr. Kathy White	**Contact**		
Agent	Leslie White	**Contact**		
Legal Description	Lot 0014, Block 002 London Addition to Duluth			
Site Visit Date	December 27, 2016	**Sign Notice Date**		December 27, 2016
Neighbor Letter Date	December 27, 2016	**Number of Letters Sent**		28

Proposal
Applicant proposes to use their home as a vacation dwelling unit. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of two consecutive nights.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Single Family Residential	Traditional Residential
North	R-1	Single Family Residential	Traditional Residential
South	R-1	Single Family Residential	Traditional Residential
East	R-1	Single Family Residential	Traditional Residential
West	R-1	Single Family Residential	Traditional Residential

Summary of Code Requirements

UDC Section 50-19.8. Permitted Land Use Table. A Vacation Dwelling Unit is an Interim Use in an R-1 District.

UDC Section 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 50-37.10.1.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 Section 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 Permit 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 a grid or connected street pattern, houses orientated 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.

This site has been developed so that it is consistent with the future land use as described and the applicants are not proposing alterations to its use.

Review and Discussion Items

1) The applicant's property is located on 4011 London Road. The dwelling unit has one bedrooms which would allow for a maximum of two people.

2) Permit holders must designate a managing agent or local contact who resides with 25 miles of the City and who has the 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 Leslie White as the managing agent who resides at 2849 Piedmont Ave in Duluth.

3) One parking space is required for this unit. The space is located in the unit's garage. Additional parking spaces are located in the driveway of the house. There is also adequate space for an RV to be parked if necessary.

4) The site plan submitted indicates that there shows existing screening/buffering from other properties on the Northeast side of the home. The site plan also indicates a deck on the West side of the home. Close to the deck is a fire pit and grill. The usable exterior space is screened from all adjoining properties in accordance with the UDC requirements.

5) A time limit on this Interim Use Permit is needed 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 that Interim Use Permit's 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 a 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 Tourism Tax Permit.

7) Applicant must comply with Vacation Dwelling Unit Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Pets, and Noise").

8) No comments from citizens or other City Departments were received regarding this zoning application.

Staff Recommendation

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

1) The Interim Use Permit shall not be effective until the applicant has received all required licenses and permit 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 documents 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 10p.m. and 8a.m.

City Planning

PZ16-137:
4100 London Road

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PL 16-13

City Planning

PL 16-137: IUP
4011 London Rd

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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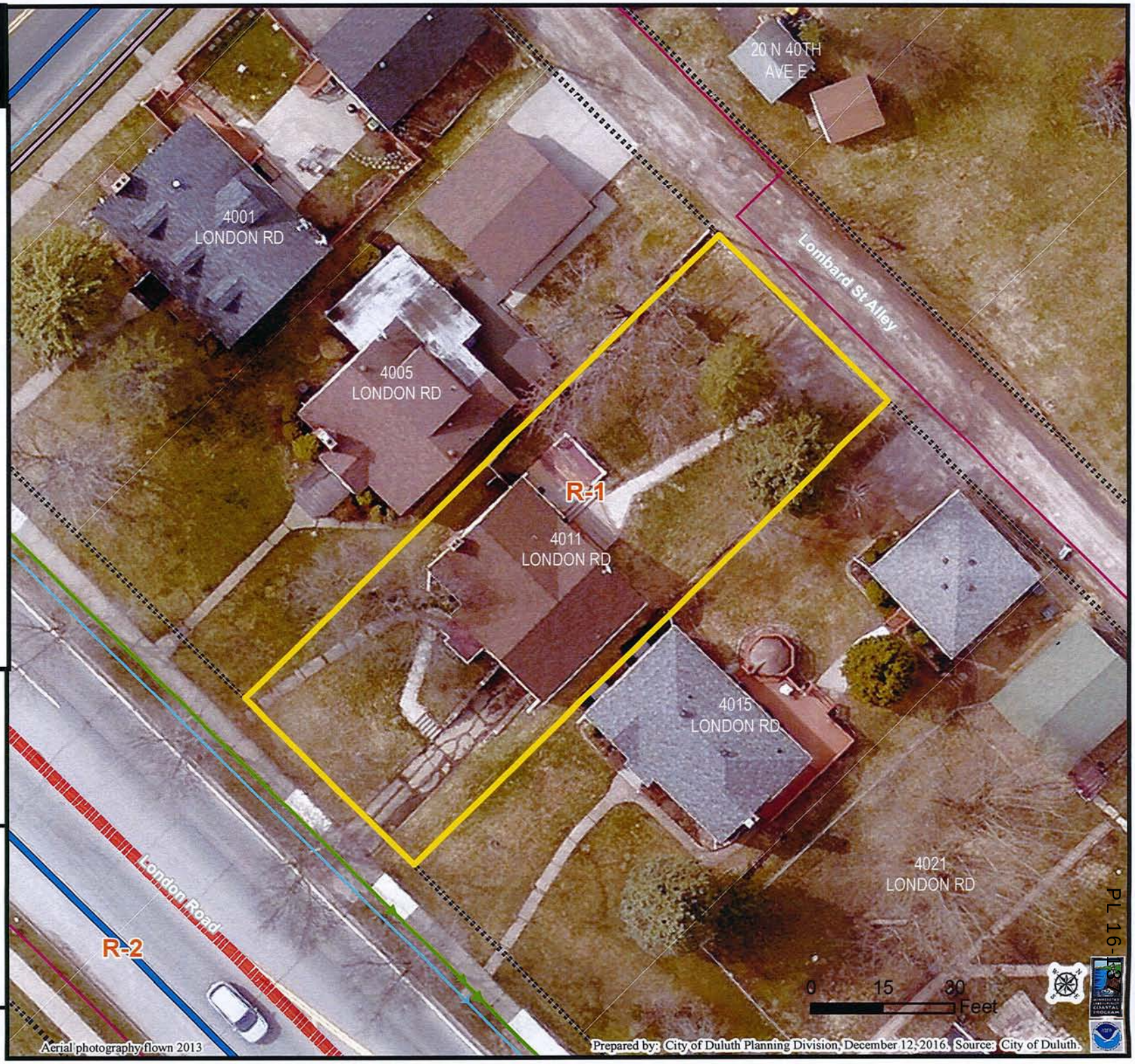

PL 16-13

DEPARTMENT OF PLANNING & CONSTRUCTION SERVICES
Community Planning Division
411 West First Street – Room 208 - Duluth, Minnesota 55802-1197
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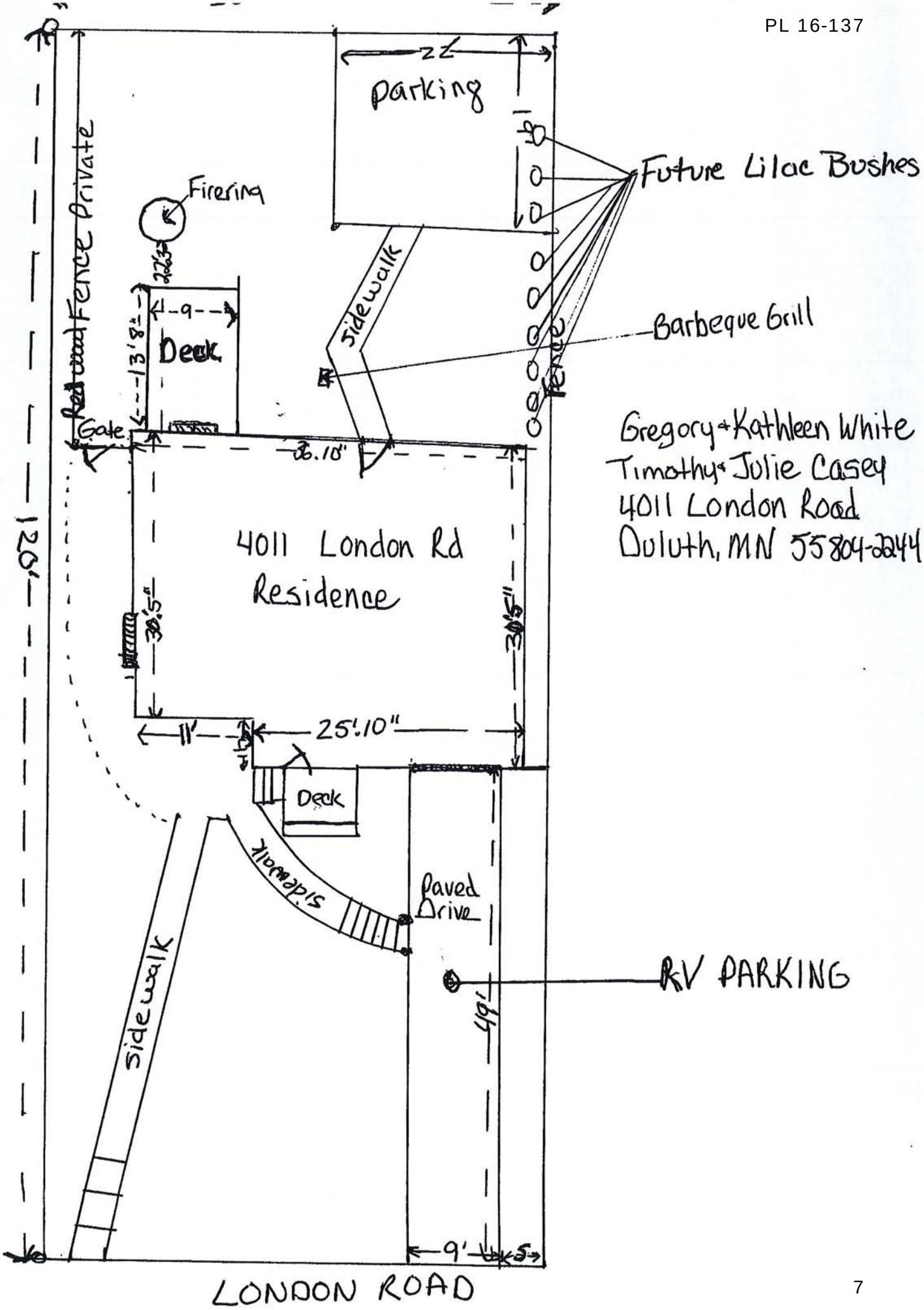
Vacation Dwelling Narrative for PL16-137

1) Fees for staying at our rental house accommodate this requirement. A weekend rental is required and a week rental from Sunday night to Friday morning.
2) There are two bedroom so we will rent to four persons. In 2018, we will be adding a Master bedroom and bath and the number will increase to 6.
3) Our house has three off street parking spaces off the rear alley and one in the driveway off of London Road.
4) One motor home could park in either the parking pad in the rear or the driveway. We would not recommend parking on 40th due to the size of the road and the amount of traffic.
5) We have all the paperwork completed for the licenses but are waiting until the interim use permit is granted to submit them. The house is also still being repaired. One of the owners is a Minneapolis inspector and has determined that the house will meet fire and heath codes.
6) From the first date we brought the house, a diary has been kept to indicate who is at the house and what work is being accomplished. This will also serve as a guest register. A notice will be given to our neighbors the weekend following Thanksgiving listing our local contact, Leslie White. She is the daughter of owners, Greg and Kathy Bloom White and lives and works in Duluth. Rules for use of the house are already in the house diary.
7) The drawing will show the following: 1. Three parking spaces off the alley. One parking space in the front driveway. 2. A rear deck off the house 3. A fire ring 23 feet off the house and ten feet from the side yard. 4. A screening fence on the south side of the rear yard. A small fence off the northern side of the rear yard. Lilac bushes or tall grasses will be planted on this side of the yard in the Spring of 2017 to provide screening. 4. Bar b Que grill off the rear sidewalk. This house is still being prepared to be used as a vacation house. Estimated date that we would like to start renting is April 2017. The house was a foreclosure with stripped of basic house hardware. This is being replaced. Painting the interior is still needed.
8) Our current plan is to sell this property in five years.
9) Our guest register is our house dairy and there is instruction inside the cover to accomplish this requirement.
10) Our managing agent is Leslie White. She is the daughter of property owners, Greg and Kathy Bloom White. Her name and phone number is on our house diary.
11) Letters were sent to homes within 100 feet the weekend following Thanksgiving. One of our neighbors already has this information.
12) Rules were developed for the above and are already in the house diary.
13) We understand that the permit holder must post their permit number on all print, poster or web advertisements.

14) Inspections will be set up in February 2017 due to maintenance work in progress on the property.
15) We have the applications and will be applying following the issuance of an interim use permit.


22'
parking
Future Lilac Bushes
Firering
Redwood Fence Private
22'3"
9
13'8"
Deck
Sidewalk
Barbeque Grill
Fence
Gate
36.10"
Gregory + Kathleen White
Timothy + Julie Casey
4011 London Road
Duluth, MN 55804-2244
120'
4011 London Rd
Residence
30'5"
30'5"
11'
25'.10"
Deck
Sidewalk
Paved Drive
RV PARKING
Sidewalk
49'
9'
5
LONDON ROAD

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Site Visit at 4011 London Road (PL16-137)

Front of home