CITY OF DULUTH
Community Planning Division
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File Number	PL 16-143	**Contact**	John Kelley, jkelley@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	**Planning Commission Date**		January 10, 2017
Deadline for Action	**Application Date**	December 6, 2016	**60 Days**	February 4, 2016
	Date Extension Letter Mailed	October 17, 2016	**120 Days**	April 5, 2016
Location of Subject	2126 East Water Street, Unit L103			
Applicant	Laurie Anderson	**Contact**	6767 Everest Lane North, Maple Grove, MN.	
Agent	Randy Holt	**Contact**		
Legal Description	010-4449-00910			
Site Visit Date	December 30, 2016	**Sign Notice Date**	December 28, 2016	
Neighbor Letter Date	December 27, 2016	**Number of Letters Sent**	32	

Proposal
The applicant proposes use of unit L103 of the Lighthouse at Beacon Point Condominiums 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	MU-N	Multifamily residential	Urban Residential
North	MU-B	Multifamily residential	Transportation and Utilities
South	N/A	Lake Superior	N/A
East	MU-B	Single Family Residential	Urban Residential
West	R-2	Multifamily Residential	Urban Residential

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in an MU-N 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.

Review and Discussion Items:

1) Lighthouse at Beacon Pont is Common Interest Community Condominium complex. The building is a four story structure and consists of 17 condominium units.

2) The applicant's unit is located on the first floor of the condominium building and has 2 bedrooms, which would allow for a maximum of 5 people.

3) 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. The applicant's daughter will act as managing agent.

4) Parking for the 2-bedroom condominium is provided in front of the unit's exterior garage accessed from Waters Street and the owner also has two dedicated parking spaces located in the underground parking area. The off street parking required for the 2-bedroom vacation dwelling unit is 1 parking space and is provided.

5) The site plan submitted indicates there are no exterior amenities available.

6) 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.

7) 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.

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 citizen or City Department comments were received on this zoning application.

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 – Urban Residential:

Greatest variety of building types, medium to high densities. Applicable to larger infill areas close to downtown, entertainment or activity centers, and waterfront residential areas. May include student housing areas, live/work units, and limited neighborhood retail. Connected or adjacent to parks and open space.

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

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.
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

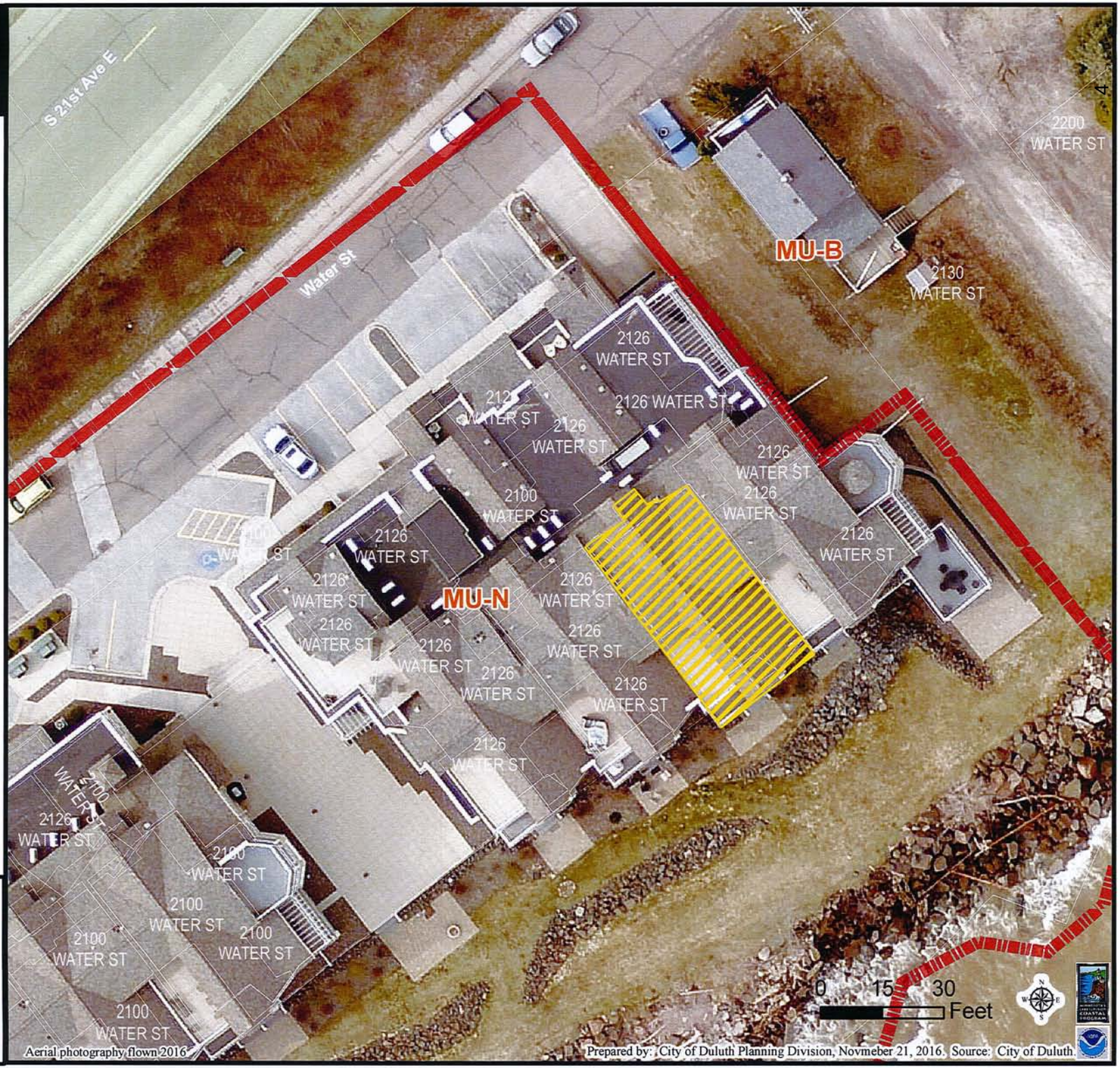
PL 16-143
2126 Water Street
Zoning Map

PL 16-143

Legend

Zoning Boundaries

Zoning Boundaries



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City Planning

PL 16-143
2126 Water Street
FLU Map

PL 16-143

Legend

Future Land Use - Plus
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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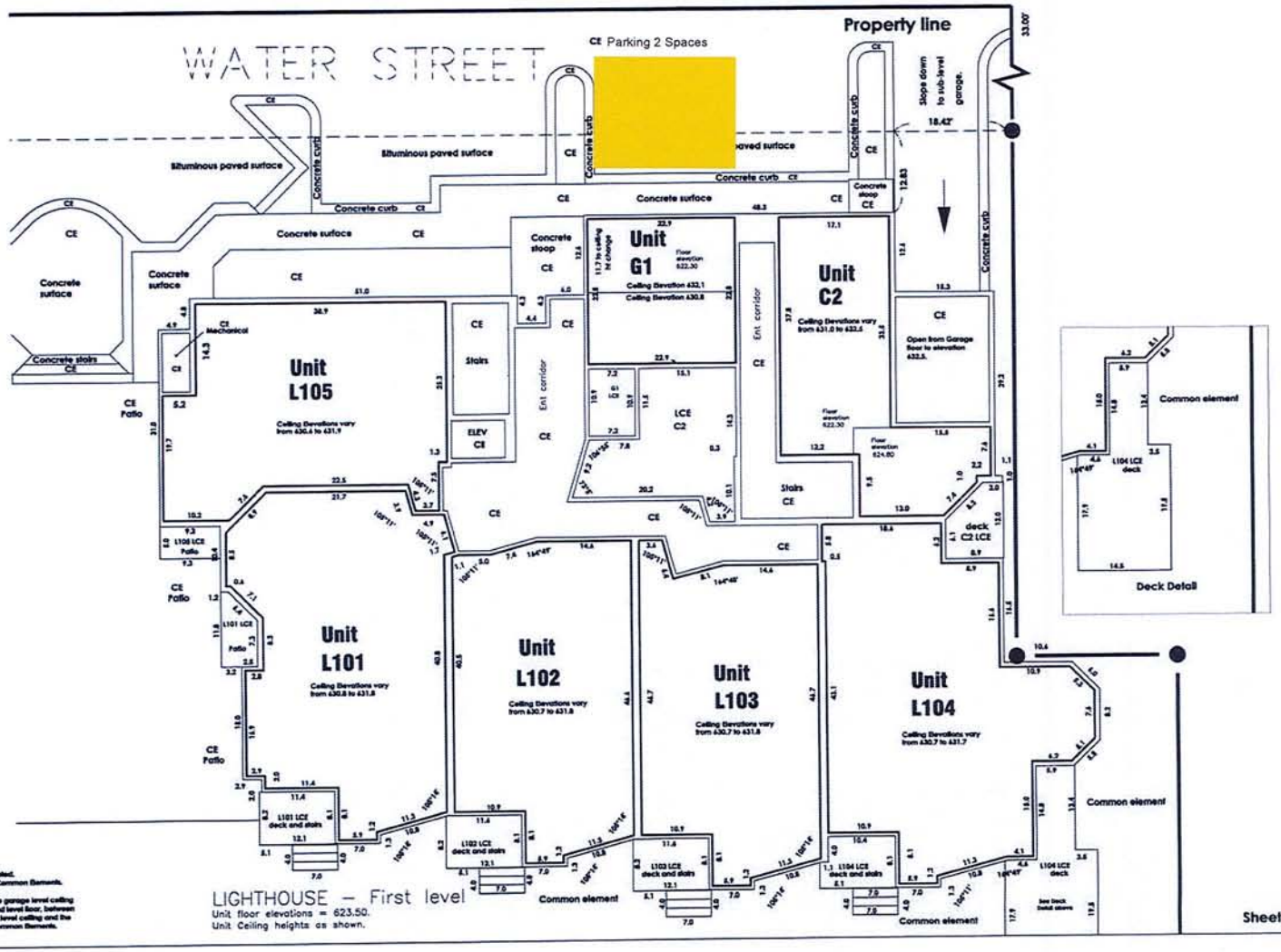
COMMON INTEREST COMMUNITY NUMBER 106

A CONDOMINIUM

WATERS EDGE AND THE LIGHTHOUSE AT BEACON POINT



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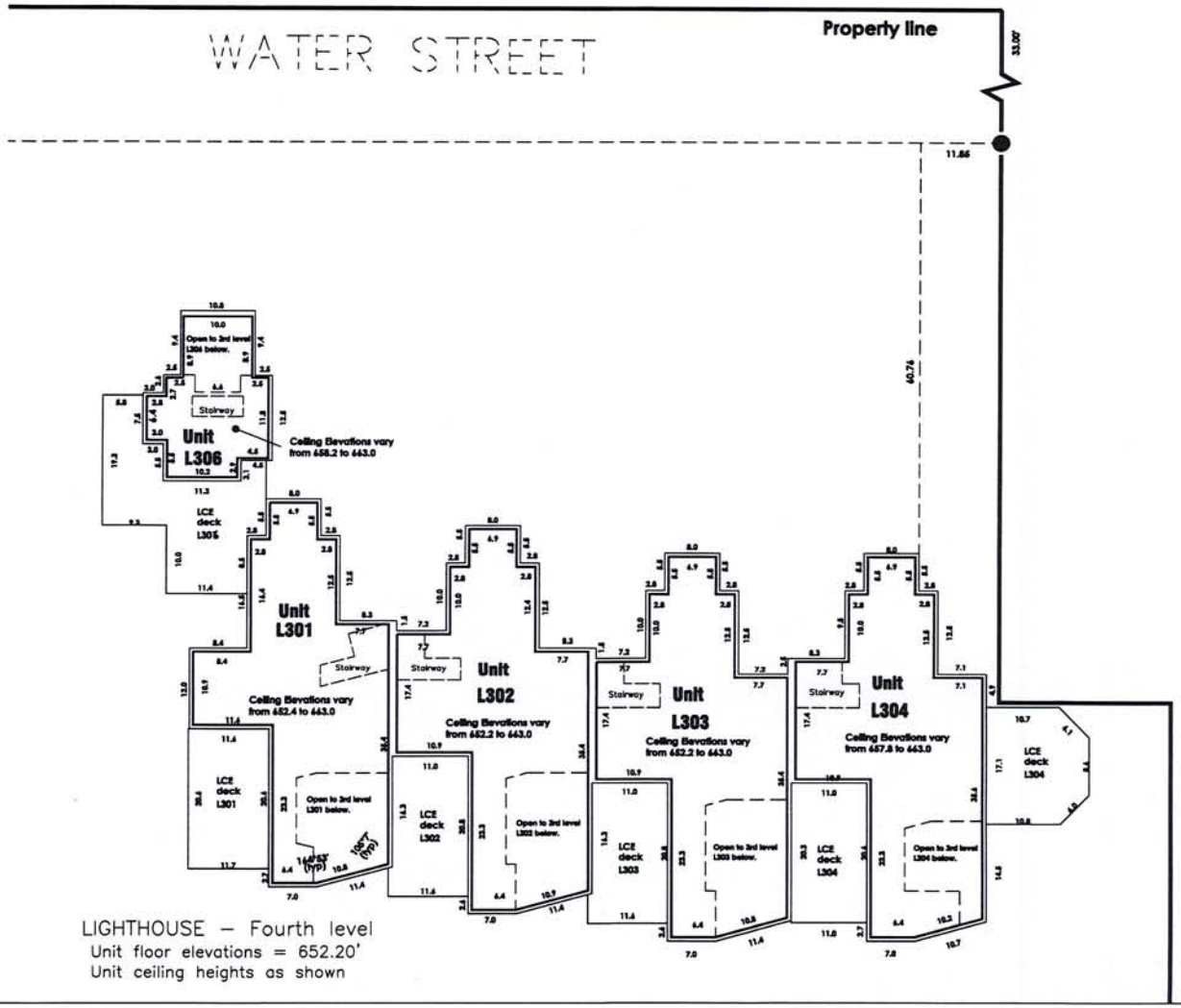
COMMON INTEREST COMMUNITY NUMBER 106
A CONDOMINIUM

WATERS EDGE AND THE LIGHTHOUSE AT BEACON POINT



LIGHTHOUSE – Fourth level
Unit floor elevations = 652.20'
Unit ceiling heights as shown

Notes:
All building angle points are a nominal 90°, 45° or 135° except as noted.
All exterior, interior, party, and load bearing walls on all levels are Common Elements.
Exterior walls are 0.5' thick or 0.8' thick or 1.0' thick or 1.3' thick.
The structural materials beneath the garage level floor, between the garage level ceiling and the first level floor, between the first level ceiling and the second level floor, between the second level ceiling and the third level floor, between the third level ceiling and the fourth level floor, above the fourth level ceiling and all roofs are Common Elements.

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Google Earth

feet 10
meters 3

PL 16-143

Google Earth

feet 10
meters 3

PL 16-143