



Legislation Text

File #: 17-0261R, **Version:** 1

RESOLUTION GRANTING AN INTERIM USE PERMIT FOR AN ACCESSORY VACATION DWELLING UNIT AT 9506 CONGDON BOULEVARD (ALLAN WINTERS).

CITY PROPOSAL:

RESOLVED, that:

(a) The city council hereby grants Allan Winters an interim use permit to operate a one-bedroom accessory vacation dwelling unit for up to five guests located at 9506 Congdon Boulevard and as described as:

THAT PART OF LOT 2 AND WLY 39.96 FT OF LOT 3 LYING N OF CENTERLINE OF CREEK, BRISTOL BEACH FIRST DIVISION; and

(b) Minnesota Statutes Section 462.3597 authorizes the city to issue an interim use permit that allows a use to exist until a specified date or until an amendment to this chapter authorizes or prohibits that use; and

(c) The city council finds that a time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use at this location; and

(d) The interim use permit shall remain in effect for up to six years following the effective date of this resolution, or until there is a change in ownership of the property, whichever occurs first; and

(e) Pursuant to Section 50-20.3.U and Section 50-37.10.D of the Duluth City Code, 1959, as amended, the applicant applied for an interim use permit and the application was duly referred to the city planning commission (PL 17-021); the commission gave due notice of public hearing and considered the application during a public hearing occurring on March 14, 2017; and

(f) The city planning commission, at their regular meeting on March 14, 2017, considered the application's consistency with the use specific standards for accessory vacation dwelling units and the criteria for granting interim use permits and voted to recommend approval of an interim use permit for an accessory vacation dwelling unit subject to the conditions listed below; and

FURTHER RESOLVED, that an interim use permit for the subject property, is approved subject to the following conditions:

- a) The Interim Use Permit shall not be effective until the applicant provides documentation that all required licenses and permits for operation have been granted; and
- b) The applicant must disclose to all guests, in writing, the location of property boundaries, that there is no direct connection to the Lake Superior beach, and directions to the nearest legal

beach access point; and

- c) The applicant must mark the east, south, and west property boundaries with permanent signs; and
- d) 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. and no trash may be burnt at the property in addition to any other disclosures required by the Unified Development Chapter, and

The applicant shall adhere to the terms and conditions listed in the Interim Use Permit document and provide evidence of compliance.

STATEMENT OF PURPOSE: This resolution grants to Allan Winters an interim use permit for a one-bedroom accessory vacation dwelling unit at 9506 Congdon Boulevard. The interim use permit remains in effect for six years, or until the property changes hands, whichever occurs first.

The applicant has applied for a hotel/motel license and will need to gain approvals from the State Health Department and City Fire Department before the permit can be issued. The applicant will be living in the home and will be the managing agent.

The planning commission recommends the conditions written in to the resolution concerning marking the property boundaries and directing guests to legal beach access points in order to reduce chances that guests will wander through neighboring private properties in route to the Lake Superior beach.

On March 14, 2017, the city planning commission held a public hearing on the proposal and heard testimony from citizens. The planning commission voted 6 yeas, 0 nays, and 0 abstentions, with 2 commissioners absent, to recommend that the city council approve the interim use permit with conditions.

Request filed: February 1, 2017

Action deadline: June 1, 2017