



Legislation Text

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**File #:** 18-0424R, **Version:** 1

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RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 728 LAKE AVENUE SOUTH (DOUGLAS AND KATHLEEN BAKER).

CITY PROPOSAL:

RESOLVED, that:

(a) The city council hereby grants Douglas and Kathleen Baker an interim use permit to operate a vacation dwelling unit located at 728 Lake Avenue South and as described by the following: PID 010-4380-01150; 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 15-102); the commission gave due notice of public hearing and considered the application during a public hearing occurring on August 11, 2015; and

(f) The city planning commission, at their regular meeting on May 8, 2018, considered the application's consistency with the use specific standards for vacation dwelling units and the criteria for granting interim use permits and voted to recommend approval of an interim use permit for a 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 has provided evidence that the required notice has been sent to property owners within 100 feet. The required notice shall note the name, address, and phone number of the managing agent or local contact who resides within 25 miles of the City and who has the authority to respond to complaints 24 hours a day.

(b) The Interim Use Permit shall not be effective until the applicant has received all required licenses and permits for operation, including Minnesota Department of Revenue Tax ID Number, Minnesota Department of Health Hotel/Motel License, City of Duluth Hotel/Motel/B&B License, City of Duluth Tourism Tax Permit, and City of Duluth Fire Department Operational Permit.

(c) Interim Use Permit holder must keep a guest record including the name, address, phone number, and vehicle license plat information for all guests.

(d) Interim Use Permit holder must disclose in writing to their guests the following: name and contact information for managing agent or local contact, maximum number of guests allowed at the property, maximum number of vehicles allowed at the property and where they are to be parked, applicable rules for the City Code governing noise, parks, parking and pets, and “quiet hours” between 10 pm and 8 am.

(e) Interim Use Permit holder must post their permit number on all, print, poster, web, or other advertisements.

(f) The applicant shall adhere to the terms and conditions listed in the interim use permit document.

(g) The permit holder shall ensure that no fire pits or similar out-door recreational fires are allowed or located on the property.

(h) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the land use supervisor without further planning commission; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

**STATEMENT OF PURPOSE:** This resolution grants to Douglas and Kathleen Baker an interim use permit for a 3-bedroom vacation dwelling unit at 728 Lake Avenue South. The interim use permit remains in effect for six years, or until the property changes hands, whichever occurs first. This application is a renewal for a previous interim use permit to operate a vacation rental at this property. The previous interim use permit had a three-year time limit that expires on 2018.

The applicant has submitted the required materials and agency approvals, including all the licenses in subsection b above. The applicant will be able to provide the required two off street parking spots in the driveway next to the home.

The standard length of an interim use permit for this type of use is six years following the effective date of this resolution, or until there is a change in ownership of the property, whichever occurs first.

On May 8, 2018, 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: March 9, 2018

Action deadline: July 7, 2018