



Legislation Text

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**File #:** 21-0734R, **Version:** 1

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RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 325 LAKE AVENUE SOUTH, UNIT NUMBER 1302, LOCATED IN THE F-5 MID-RISE COMMUNITY SHOPPING AND OFFICE FORM DISTRICT (K & S NORMAN FAMILY LIMITED PARTNERSHIP).

CITY PROPOSAL:

WHEREAS, pursuant to Section 50-20.3.U and Section 50-37.10.D of the Duluth City Code, 1959, as amended (the "Code"), the applicant applied for an interim use permit and the application was duly referred to the city planning commission;

WHEREAS, 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.

RESOLVED, that the city council finds that:

(a) That application for an interim use permit for a vacation dwelling unit was duly referred to the planning commission as file number PL 21-103, that the commission gave due notice of a public hearing to be held at its regularly scheduled meeting of July 13, 2021, that said hearing was held, that the application was duly considered at said meeting and that the commission voted to recommend approval of an interim use permit for a vacation dwelling unit subject to the conditions listed below; and

(b) Based on the evidence in the record of the application for an interim use permit for a vacation dwelling unit contained in PL 21-103 and on the testimony and evidence received during the public hearing, the application is consistent with the use specific standards for vacation dwelling units and the criteria for granting interim use permits contained in Section 50-20.3.U and Section 50-37.10.D of the Code; and

(c) 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.

FURTHER RESOLVED, that the city council hereby grants K & S Norman Family Limited Partnership, Jason & Betsy Norman (Limited Partners), an interim use permit to operate a two-bedroom vacation dwelling unit for up to five guests located at 325 Lake Avenue South, Unit #1302, legally described below, subject to the conditions set forth below:

UNIT B31 AND AN UNDIVIDED INTEREST IN COMMON AREAS, CIC #29 WATERFRONT PLAZA CONDOMINIUMS.

FURTHER RESOLVED, that the land use supervisor is authorized to issue an interim use permit for a vacation dwelling unit on the subject property (in the form of that attached hereto as Exhibit A) subject to the following conditions:

- a) The interim use permit shall not be effective until the applicant has received all required licenses and permits for operation required by the Code and by State statute and provided copies thereof to the land use supervisor; and

- b) Said 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
- c) The applicant shall adhere to the terms and conditions listed in said permit; and

FURTHER RESOLVED, that the land use supervisor may approve such changes or modifications to the applicant's plans as included in applicant's application as are otherwise authorized under the Code, provided that no such administrative approval shall constitute a variance from Chapter 50.

STATEMENT OF PURPOSE: This resolution grants to K & S Norman Family Limited Partnership, Jason & Betsy Norman (Limited Partners), an interim use permit for a 2-bedroom vacation dwelling unit at 325 Lake Ave. S, #1302, in the Canal Park neighborhood. If approved, the interim use permit remains in effect for six years, or until the property changes hands, whichever occurs first.

The site is located in the F-5 Mid-Rise Community Shopping and Office form district. Consistent with UDC provisions, there is not a restriction on the total number of vacation dwelling units on property located in form-based zoning districts. While off-street parking is not required for vacation dwelling units in this zone district, the applicant has stated that there is a gated parking area in the rear where guests will be given access to one parking space during their stay.

As shown in the staff report in Exhibit B (attached), the applicant's property is a condominium unit in the multi-story Waterfront Plaza Building. Also located in this building is the Suites Hotel at Waterfront Plaza.

The applicant has applied for all the required inspections and licenses and will manage the unit themselves.

On July 13, 2021, the city planning commission held a public hearing on the proposal and heard testimony from citizens. The planning commission voted 7 yeas, 0 nays, and 0 abstentions, to recommend that the city council approve the interim use permit with conditions.

Request filed: June 14, 2021

Action deadline: October 12, 2021