



Legislation Text

File #: 18-0657R, **Version:** 1

RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 5727 GRAND AVENUE (ANNA AND NATHANAEAL BAILEY).

CITY PROPOSAL:

RESOLVED, that:

(a) The city council hereby grants Anna and Nathanael Bailey an interim use permit to operate a one-bedroom vacation dwelling unit for up to 2 guests located at 5727 Grand Avenue and as described as:

Lot 28 Ex Ely 40/100 Ft Of Sly 73 8/10ft And All Of Lot 29 Of Block 141 of the West Duluth 5th 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 18-110); the commission gave due notice of public hearing and considered the application during a public hearing occurring on September 11, 2018; and

(f) The city planning commission, at their regular meeting on September 11, 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 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 to the City Council (guest record book including name, address, phone number and vehicle license plate; name, address, and phone number of local contact/managing agent to property owners within a 100 feet; rules of how the property can be used must be provided to guests including selected city ordinances on parking, parks, pets and noise; and acknowledge that interim use permit may be suspended in the event of multiple nuisance calls).
- b) The applicant must provide a written disclosure to all guests stating that quiet hours shall be observed between the hours of 10 p.m. and 8 a.m. in addition to other disclosures required by the Unified

Development Chapter.

- c) The applicant will inform guests that the burning of trash in outdoor fire pits is prohibited.

STATEMENT OF PURPOSE: This resolution grants to Anna and Nathanael Bailey an interim use permit for a one-bedroom vacation dwelling unit at 5727 Grand Avenue. The interim use permit remains in effect for six years, or until the property changes hands, whichever occurs first.

The applicant has obtained an Operational Permit from the Fire Department and has applied for an inspection by the State Health Department for the property, in addition to a Lodging License before renting the property. The applicant has provided evidence of being set up to pay the appropriate taxes to the state and city. The applicant has paid for the required city license from the city clerk to rent short term.

On September 11, 2018, the city planning commission held a public hearing on the proposal and heard testimony from citizens. The planning commission voted 8 yeas, 0 nays, and 0 abstentions, with 1 commissioner absent, to recommend that the city council approve the interim use permit with conditions.

Request filed: August 6, 2018

Action deadline: December 4, 2018