



## Legislation Text

---

**File #:** 21-0568R, **Version:** 1

---

RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 325 SOUTH LAKE AVENUE, LOCATED IN THE F-5 MID-RISE COMMUNITY SHOPPING AND OFFICE FORM DISTRICT, UNIT 1209 (ALEX & KATE FAGUNDES ).

### 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 (planning commission file no. PL 21-077);

WHEREAS, the commission gave due notice of public hearing to consider the application during a public hearing to occur on July 13, 2021; and

WHEREAS, following said hearing, the city planning commission, at its regular meeting on July 13, 2021, 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

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 applicant's application for an interim use permit for a vacation dwelling unit was duly referred to the planning commission as file no. PC 21-077, 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.
- (b) Based on the evidence in the record of the application for an interim use permit for a vacation dwelling unit contained in PL 21-077 and on the testimony and evidence received during the public hearing, the application, as so modified, 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.
- (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 Alex and Kate Fagundes an interim use permit to operate an two-bedroom vacation dwelling unit for up to 5 guests located in the F-5, mid-rise shopping and office District at 325 South Lake Avenue legally described below, subject to the conditions set forth below:

CIC #29 WATERFRONT PLAZA CONDOMINIUM, UNIT A25 AND AN UNDIVIDED INTEREST IN THE

## COMMONS AREA

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 Attachment 1) 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.
- b) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.
- c) 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 administration approval shall constitute a variance from the provisions of Chapter 50.

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 Alex and Kate Fagundes an interim use permit for a 2-bedroom vacation dwelling unit at 325 South Lake Avenue, Unit 1209. 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 Downtown Mid-Rise 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.

The applicant has applied for all the required inspections and licenses.

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: May 20, 2021

Action deadline: September 17, 2021