



## Legislation Text

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**File #:** 16-0478R, **Version:** 1

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### RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1329 MINNESOTA AVENUE (DAVID WADE).

#### CITY PROPOSAL:

RESOLVED, that:

(a) The city council hereby grants David Wade an interim use permit to operate a three-bedroom vacation dwelling unit for up to seven guests located at 1329 Minnesota Ave and as described as: Lot 106, UPPER DULUTH MINNESOTA AVE and Lot 105, UPPER DULUTH ST. LOUIS AVENUE; 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 16-046); the commission gave due notice of public hearing and considered the application during a public hearing occurring on June 14, 2016; and

(f) The city planning commission, at their regular meeting on June 14, 2016, 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; said 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; and

(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 Health Lodging License; and

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

(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, that “quiet hours” shall be observed between 10 p.m. and 8 a.m. and the nearest locations for legal access to the Lake Superior beach; and

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

(f) The Interim Use Permit holder shall adhere to the terms and conditions listed in the interim use permit document; and

(g) The Interim Use Permit holder must certify to the Director of Planning and Construction Services by November 1 for each year of the permit that they are not in default of the terms of their contract for the purchase of the abutting tax forfeited land and when the land purchase has been completed the permit holder must provide evidence that the property has been transferred to them; and

(h) The Interim Use Permit holder shall construct the required dense urban screen along the south property boundary within 30 days’ notice given by the Director of Planning and Construction Services should the Director determine it necessary to alleviate concerns by neighbors, and provided the weather conditions allow for installation of the screen within the required 30 days, otherwise installation shall be delayed until conditions permit and at the discretion of the Director; and

(i) The Land Use Supervisor is authorized to issue the Interim User Permit granted by this resolution and any alterations to the permit terms that do not alter major elements of the permit may be approved by the land use supervisor without further city council action; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

STATEMENT OF PURPOSE: This resolution grants to David Wade an interim use permit for a 3-bedroom vacation dwelling unit at 1329 Minnesota Avenue. The interim use permit remains in effect for six years, or until the property changes hands, whichever occurs first.

The applicant has submitted the required materials and agency approvals except the Minnesota Department of Health Lodging License. The applicant will be able to provide the required two off

street parking spots in the rear of the home and accessed by St. Louis Ave. These parking spaces are on tax forfeited land that the permit holder has a contract to purchase over the next ten years. It is a condition of this resolution that the permit holder certify to the city that they are current in their payments toward the purchase to ensure the parking spaces remain available.

An additional condition is recommended by the planning commission, that the requirement for a dense urban screen be enforced along the south property boundary should the landowner determine it necessary. The current landowner sent an email (attached to the staff report) stating he was not in favor of having the required screening as he felt it was unnecessary.

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 June 14, 2016, 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, with 1 commissioner absent, to recommend that the city council approve the interim use permit with conditions.

Request filed: May 12, 2016

Action deadline: September 9, 2016