



## Legislation Text

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**File #:** 16-0757R, **Version:** 1

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### RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 712 SOUTH 63<sup>RD</sup> AVENUE WEST (CONSTANCE MOELLER).

#### CITY PROPOSAL:

RESOLVED, that:

(a) The city council hereby grants Constance Moeller an interim use permit to operate a two-bedroom vacation dwelling unit for up to 5 guests located at 712 South 63<sup>rd</sup> Avenue West and as described as Lots 26 And 27 Block 24 Inc Part Of Vacated Farrell St Adj, Rearr/Blk 24 Hunters Grassy Point Add To Duluth; 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 16-106); the commission gave due notice of public hearing and considered the application during a public hearing occurring on October 11, 2016; and

(f) The city planning commission, at their regular meeting on October 11, 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 received all required licenses and permits for operation. A resolution will not go forward to City Council until the documents are provided to City Staff;
- b) 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;

- c) The applicant must disclose to all guests, in writing, that quiet hours shall be observed between the hours of 10 p.m. and 8 a.m.

**STATEMENT OF PURPOSE:** This resolution grants to Constance Moeller an interim use permit for a two-bedroom vacation dwelling unit at 712 S. 63<sup>rd</sup> Ave West. The interim use permit remains in effect for six years, or until the property changes hands, whichever occurs first.

The applicant has not yet submitted the required materials for the permit. The applicant meets the two-car parking lot requirement. 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 October 11, 2016, 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 22, 2016

Action deadline: December 20, 2016