



Legislation Text

File #: 17-0169R, **Version:** 1

RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1035 BERWICK COURT (DON J. AND PATRICIA WASHINGTON).

CITY PROPOSAL:

RESOLVED, that:

(a) The city council hereby grants Don and Patricia Washington an interim use permit to operate a three-bedroom vacation dwelling unit for up to seven guests located at 1035 Berwick Court and as described as: lot 4 and lot 5 of Westmeath Division Duluth;

(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 17-004); the commission gave due notice of public hearing and considered the application during a public hearing occurring on February 14, 2017; and

(f) The city planning commission, at their regular meeting on February 14, 2017, considered the application's consistency with the use specific standards for vacation dwelling units and the criteria for granting interim use permits. The Planning Commission again considered the application at their March 14, 2017 regular Planning Commission meeting and voted to recommend approval of an interim use permit for a vacation dwelling unit subject to the conditions listed below.

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. The Interim Use Permit will not be issued 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.;

- d) The applicant shall place screening between the vacation dwelling unit at 1035 Berwick Court and the neighboring property at 1025 Berwick Court.

Burning of garbage outdoors is prohibited.

STATEMENT OF PURPOSE: This resolution grants to Don and Patricia Washington an interim use permit for a three-bedroom vacation dwelling unit at 1035 Berwick Court. The interim use permit remains in effect for six years, or until the property changes hands, whichever occurs first.

The applicant has yet to submit the required materials and agency approvals to obtain this 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 February 14, 2017, the city planning commission held a public hearing on the proposal and heard testimony from citizens. The planning commission voted 3 yeas, 4 nays, and 0 abstentions, with 2 commissioners absent, to recommend that the city council approve the interim use permit with conditions.

On March 14, 2017, at the request of the President of the Planning Commission, the commission again discussed the issue and voted 6 yeas, 0 nays, and 0 abstentions, with 2 commissioners absent, to recommend that the city council approve the interim use permit with conditions.

Request filed: January 18, 2017

Action deadline: May 23, 2017