



## Legislation Text

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**File #:** 17-0242R, **Version:** 1

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### RESOLUTION GRANTING AN INTERIM USE PERMIT FOR TWO VACATION DWELLING UNITS AT 1621 EAST SUPERIOR STREET (BRIAN AND CRYSTAL JORDAN).

#### CITY PROPOSAL:

RESOLVED, that:

- (a) The city council hereby grants Brian and Crystal Jordan an interim use permit to operate two vacation dwelling units, one (1) two-bedroom vacation dwelling unit for up to five guests and one (1) one-bedroom vacation dwelling unit for up to three guests, located in a building containing four dwelling units located at 1621 East Superior Street and as described as LOT 11 AND E ½ OF LOT 12, BLOCK 59, ENDION 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 17-019); the commission gave due notice of public hearing and considered the application during a public hearing occurring on March 14, 2017; and
- (f) The city planning commission, at their regular meeting on March 14, 2017, 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 provides documentation that all required licenses and permits for operation have been granted; and
- b) The applicant provides evidence that the required notice have been sent to all property owners within 100' of the applicant's property, such notice to include the contact information for the property's manager; and

The applicant shall adhere to the terms and conditions listed in the Interim Use Permit document and provide evidence of compliance.

STATEMENT OF PURPOSE: This resolution grants to Brian and Crystal Jordan an interim use permit for two vacation dwelling units, one (1) two-bedroom vacation dwelling unit for up to five guests and one (1) one-bedroom vacation dwelling unit for up to three guests, located in a building containing four dwelling units located at 1621 East Superior Street. The interim use permit remains in effect for six years, or until the property changes hands, whichever occurs first.

The site is 75' wide by 150' deep. It has 5 off-street parking spaces (4 required), 1 space for each vacation dwelling unit is required and 1 space each for the 2 regular dwelling units in the building. The parking spaces are accessed via a shared driveway that is covered by a driveway easement and maintenance agreement.

The applicant has applied for a transfer of the existing Operational Permit from the Fire Department and the Lodging License from the State Health Department, but the applicant will need finalize these transfers before the Interim Use Permit is effective. 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.

The applicant will send the required letter to neighbors within 100' providing the contact info. for the property manager if Council approves the interim use permit.

On March 14, 2017, the city planning commission held a public hearing on the proposal and heard testimony from citizens. The planning commission 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 30, 2017

Action deadline: May 30, 2017