



Legislation Text

File #: 21-0338R, **Version:** 1

RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 4931 EAST SUPERIOR STREET LOCATED IN THE F-2 LOW-RISE NEIGHBORHOOD MIX FORM DISTRICT (ENDION LAND COMPANY, LLC).

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 number PL 21-028);

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

WHEREAS, the city planning commission, at its regular meeting on April 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 number PL 21-028, that the commission gave due notice of a public hearing to be held at its regularly scheduled meeting of April 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; and

(b) Based on the evidence in the record of the application for an interim use permit for a vacation dwelling unit contained in PL 21-028 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; and

(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 Endion Land Company, LLC an interim use permit to operate a three-bedroom vacation dwelling unit for up to seven guests located in the F-2, Low-Rise Neighborhood Mix District at 4931 East Superior Street legally described below, subject to the conditions set forth below:

LOTS 7 & 8, EXCEPT RAILWAY ROW, BLOCK 70, LONDON ADDITION.

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 Exhibit A) 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 required by the Code and by State statute and provided copies thereof to the land use supervisor; and
- b) Said 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
- c) The applicant shall adhere to the terms and conditions listed in said permit; and
- d) The applicant shall install the trees and shrubs shown on the Landscape Screening Plan attached to the interim use permit application in file PL 21-028.

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 Endion Land Company, LLC an interim use permit for a 3-bedroom vacation dwelling unit at 4931 E. Superior St. in the Lakeside-Lester Park neighborhood. If approved, 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-2 Low-Rise Neighborhood Mix 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. There are no off-street parking spaces associated with this project and none are required for vacation dwelling units in form districts.

As shown in the staff report in Exhibit B (attached), the applicant's property is 4,897 square feet in area and no outdoor amenities are planned for the yard. The applicant provided a landscape plan showing the planting of three additional trees and two shrubs, which is a recommended condition of this resolution.

The applicant has applied for all the required inspections and licenses and will have Heirloom Property Management manage the property.

On April 13, 2021, the city planning commission held a public hearing on the proposal and heard testimony from citizens. The planning commission voted 5 yeas, 0 nays, and 2 abstentions, to recommend that the city council approve the interim use permit with conditions.

Request filed: March 9, 2021

Action deadline: July 7, 2021