

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

09-0424R

RESOLUTION SUBMITTING AN ADVISORY PROPOSITION AT THE NEXT MUNICIPAL ELECTION TO THE VOTERS OF DULUTH TO PROVIDE DIRECTION TO THE CITY ON REQUESTS FOR VARIANCES, SPECIAL USE PERMITS AND EASEMENT VACATIONS FOR PURPOSES OF IMPLEMENTING ISD 709'S LONG RANGE FACILITY PLAN.

BY COUNCILOR STAUBER:

WHEREAS, ISD 709 has developed a long range facility plan (red plan) for the school district that requires numerous variances, special use permits and vacations of public easements; and

WHEREAS, each requested action will generate public discussion both in favor and in opposition to such actions, creating a conflict-ridden atmosphere for the council and the potential for litigation; and

WHEREAS, the council is desirous of knowing the voting public's will with regard to the granting or denying of variances, special use permits and vacations to accommodate the red plan.

NOW, THEREFORE, BE IT RESOLVED, that the Duluth City Council does submit the following proposition to the voters of Duluth and directs the city clerk to place the following upon the ballot at the next general municipal election scheduled on November 3, 2009:

To vote for the proposition, completely fill in the oval next to the word "YES" for that question.

To vote against the proposition, completely fill in the oval next to the word "NO" for that question.

PROPOSITION

Should the city council grant variances, special use permits and vacations of public easements as necessary to accommodate the long range facility plan of ISD 709?

Yes _____ No _____

A "YES" vote encourages the city to approve applications for variances, special use permits and petitions for the vacation of public easements applied for by Independent School District 709 as

part of the implementation of its long range facility plan. However, approval will be advisory only and will not be binding upon the city council.

A "NO" vote discourages the city from approving applications for variances, special use permits and petitions for the vacation of public easements applied for by Independent School District 709 as part of the implementation of its long range facility plan. However, a no vote will be advisory only and will not be binding upon the city council.

Approved as to form:

Attorney

CCREQ/ATTY REA:cjk 6/12/2009

STATEMENT OF PURPOSE: This resolution solicits voter opinion on the granting of variances, special use permits and the vacation of public easements needed to implement the long rang facility plan of ISD 709. The result of an advisory referendum on variances, special use permits and vacations is not binding on the council, the planning commission or the board of zoning appeals. If this resolution is approved, the pendency of the referendum may not delay consideration of ISD applications for variances or special use permits because such applications are subject to the time limitations set forth in Minnesota Statutes Section 15.99.