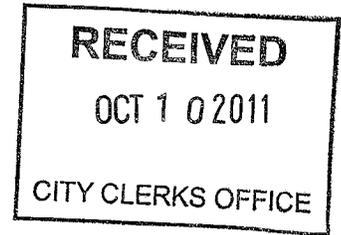


MOTION TO AMEND RESOLUTION 11-0529

BY COUNCILOR FOSLE:

I move to amend Resolution 11-0529 as follows:

RESOLVED, that:



(a) The city council grants D.M.A. & Associates an interim special use permit to operate a junk and salvage service on Tax Parcel No. 010-0130-00190, located at 306 South Central Avenue and as described as subject property:

All that part of Outlot 1, Rearrangement of Auditor's Plat of West Duluth Outlots, lying south of line parallel to and 807 feet south of the south line of Blocks 51, 50, 49, 48 West Duluth, First Division and Blocks 218, 219, and 249 West Duluth, Third Division, extended, including easterly 40 feet vacated Central Avenue abutting thereon, according to the recorded plat thereof;

(b) Pursuant to Section 50-20.4.D and Section 50-37.10 of the Duluth City Code, 1959, as amended, the applicant applied for a special use permit and the application was duly referred to the city planning commission (File No. 11-110). The commission gave due notice of public hearing and considered the application during a public hearing occurring on September 13, 2011;

(c) As an alternative to a special use permit, Minnesota Statutes Section 462.3597 authorizes the city to issue an interim use permit that authorizes a special use to exist until a specified date or until an amendment to this Chapter authorizes or prohibits that use. Section 50-37.10.D of the Duluth City Code, 1959, as amended, grants to the city the authority to issue an interim use permit as an alternative to a special use permit. The commission may recommend to the city council an interim use permit even if the application is for a special use permit;

(d) The city planning commission, at their regular meeting on September 13, 2011, considered the application's consistency with the comprehensive land use plan and voted to recommend approval of an interim use permit for a junk and salvage service with conditions;

(e) The city council finds that a time limit is not needed to protect the public health, safety and welfare from potential longer term impacts of the requested use location.

FURTHER RESOLVED, that an interim special use permit for the subject property, is approved subject to the following conditions:

(a) The interim special use permit is effective only on the subject parcel; and

~~———— (b) The interim use permit will expire on December 31, 2014; and~~

~~———— (c) The applicant must apply for renewal of the permit no less than 120 days prior to expiration of the permit; and~~

(db) The interim special use permit shall not issue until the subject parcel is rezoned to I-G; and

(ec) The project shall be limited to, constructed, and maintained according to the site plan entitled "Site Survey for DMA & Associates" dated August 22, 2011, for Parcel 010-1300-00190; and

(fd) The applicant shall obtain and maintain all licenses required by applicable city, state and federal law for operation of the facility; and

~~———— (g) No permit shall issue and the applicant has no authority to operate until the applicant enters into a development agreement with the city as required by Section 50-37.10.E.2.~~