



## Legislation Details (With Text)

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<b>On agenda:</b>	6/13/2022	<b>Final action:</b>	6/13/2022
<b>Enactment date:</b>		<b>Enactment #:</b>	
<b>Title:</b>	RESOLUTION REVERSING THE PLANNING COMMISSION'S DECISION TO DENY A SPECIAL USE PERMIT FOR A RESTAURANT AT 1303 WEST ARROWHEAD ROAD.		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			

**Attachments:** 1. Attachment A, 2. Attachment B, 3. Attachment C, 4. Attachment D, 5. Attachment E, 6. Attachment F

Date	Ver.	Action By	Action	Result
6/13/2022	1	City Council	adopted	Pass

RESOLUTION REVERSING THE PLANNING COMMISSION'S DECISION TO DENY A SPECIAL USE PERMIT FOR A RESTAURANT AT 1303 WEST ARROWHEAD ROAD.

### CITY PROPOSAL:

RESOLVED, that the city council finds as follows:

(a) That on March 9 2022, 1303 LLC submitted an application (Planning Commission File No. "PL 22-040", staff report attached as Attachment A) for a special use permit for restaurant on property located at 1303 Arrowhead Road;

(b) That pursuant to Section 50-37.6 of Chapter 50 of the Duluth City Code, as amended, such petition was duly referred to the city planning commission and such commission gave due notice of public hearing to be held by the Commission on April 12, 2022; and

(c) That the city planning commission, at a Tuesday, April 12, 2022 regular meeting, duly conducted a public hearing, after which it found that the granting of this special use permit would result in impacts that could negatively impact traffic levels and safety at the intersection of Arrowhead Road and Dodge Street and, for these reasons, denied the special use permit; and

(d) That on April 22, 2022 the city received an appeal from Mike Schoonover, a copy of which is attached as Attachment B, requesting the city council appeal planning commission's denial;

(e) That the city council heard the appeal at its June 13, 2022 meeting;

(f) That the council finds, based on the record and the public testimony before it, that granting the subject special use permit application is consistent with the City's comprehensive land use plan as the Future Land Use Designation of the property is Urban Residential, which "may include student housing areas, live/work units, and limited neighborhood retail" and is appropriate for "commercial uses that serve (the) neighborhood" and the proposed special use permit project of a small commercial building with a small restaurant and outdoor dining area is an appropriate use in an urban residential neighborhood and is a

commercial use that would serve local residents in the immediate neighborhood;

(g) That the council finds that the subject special use permit application complies with the requirements of the City's Uniform Development Code (Chapter 50 of the Duluth City Code) in regards to landscaping and screening requirements by installing several deciduous and coniferous trees, shrubs, and a trash enclosure to reduce noise and light trespass, off-street parking requirements by providing 17 off-street parking spaces to address parking needs, sidewalk connectivity needs by providing a new sidewalk extension on the western side of Dodge Avenue to this project, as well as meeting other relevant and applicable UDC standards, and would not otherwise negatively impact the environment of the community;

(h) That the council finds that the subject special use permit application would not result in additional traffic impacts that substantially change or negatively impact existing conditions in and around the proposed project site and a traffic study is not required as the City of Duluth Engineering department's standard operating procedure to require a traffic study only if a development is expected to generate 100 trips per hour or new 1,000 trips generated per day and this small project is not expected to approach either threshold, and the applicant has stated that they expect on average 100 vehicle trips generated by per day;

(i) That the council finds that subject special use permit application would not significantly increase traffic generation in the immediate area, but it would potentially increase traffic safety on Arrowhead Road by the elimination of an existing driveway/curb cut on Arrowhead Road and instead direct customer traffic on to the existing roadway intersection of Dodge Avenue, thereby reducing one instance of vehicle turning movement and vehicle/pedestrian conflict on an arterial road as per management best practices;

(j) That the council finds that subject special use permit application would not result in a random pattern of development with little continuity to existing development and would not cause anticipated negative fiscal or environmental impacts on the community as the small size and square footage of subject special use permit is appropriate in an existing neighborhood commercial node and will allow the existing municipal utilities and public safety staff to service it;

FURTHER RESOLVED, that the applicant's appeal of the decision of the planning commission denying the subject special use permit is granted, the decision of the commission denying the special use permit is reversed and the special use permit is hereby approved with conditions as set forth in the staff report to PL 22-040.

STATEMENT OF PURPOSE: This resolution reverses the planning commission's denial of the special use permit for a restaurant at 1303 West Arrowhead Road.

This item was originally heard on April 12, 2022. The Duluth city planning commission held a public hearing on the proposal and voted 6 yeas, 1 nay, and 0 abstentions to deny the special use permit.

The application submitted for planning commission review for the April 12, 2022, planning commission meeting included a 3,500 square foot commercial structure. The property owner has submitted, on May 25, 2022, a revised and reduced site plan to a 1,500 square foot structure with fewer off-street parking spaces and more landscape/screening.

City Council Appeal Received: April 22, 2022

Complete Application Received: March 9, 2022

Action Deadline for Application: July 7, 2022