



## Legislation Text

**File #:** 22-0469R, **Version:** 1

### RESOLUTION AFFIRMING 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 will 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 would negatively affect the environment of community by creating negative impacts on traffic and safety at the intersection of Arrowhead Road and Dodge Street and would otherwise negatively impact the environment of the neighboring residential community; and

FURTHER RESOLVED, that the decision of the planning commission to deny the special use permit is affirmed.

**STATEMENT OF PURPOSE:** This resolution affirms the denial for 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, PC 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