

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

09-0709R

RESOLUTION GRANTING A SPECIAL USE PERMIT TO MICHAEL G.  
EDMUNDS FOR A DENTAL CLINIC AT 1414 WOODLAND AVENUE.

CITY PROPOSAL:

RESOLVED, that:

(a) The city council grants the request for a Section 50-35(h) special use permit submitted by Michael G. Edmunds for a 4,570 square foot dental clinic and 13-car parking lot at 1414 Woodland Avenue and legally described as Motor Line Division, Block 9, Lots 24-27 (010-3360-01400); and

(b) Pursuant to Section 50-32 of [*Chapter 50,*] Article IV, of the Duluth City Code, 1959, as amended, such request was duly referred to the city planning commission and such commission gave due notice of public hearing and did consider same in public hearing; and

(c) The planning commission, at its November 10, 2009, regular meeting recommended approval of the request with conditions; and

(d) The approval was made because of the city planning commission findings that appropriate safeguards will exist to protect the comprehensive plan and to conserve and to protect property values in the neighborhood if conditions are observed (FN 09105).

FURTHER RESOLVED, that the city council of the city of Duluth approves a special use permit for a 4,570 square foot dental clinic, 13-car parking lot, and landscaping, subject to the following conditions:

(a) That the project be limited to, constructed, and maintained according to the following documents drafted by SJA Architects titled "Proposed Dental Office, 1414 Woodland Ave.," Sheets A2, A3, and A4, all dated 11-09-2009, and Sheet C-1 drafted by SAS and Associates dated 11-05-2009, and shown on Public Document No. \_\_\_\_\_;

(b) That the dumpster not be emptied between 10 p.m. and 7 a.m.;

(c) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the land use supervisor without further

city council action; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50, Article IV;

(d) That prior to issuance of a building permit to develop the site as approved in this special use permit that the ordinance be amended to permit the parking to be constructed as designed.

Approved as to form:

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Attorney

PLANNING/PC      KD:jab      11/13/2009

STATEMENT OF PURPOSE: This resolution grants a special use permit to Michael G. Edmunds for a 4,570 square foot dental clinic and 13-car parking lot at 1414 Woodland Avenue, which is at the northeast corner of the intersection of Woodland Avenue and Elizabeth Street.

On November 10, 2009, the planning commission held a public hearing on the proposal and voted 10-0-1 (Commissioner Vigen abstained) to recommend that the city council approve the special use permit with conditions.

Condition (a) requires the applicant build according to a set site plan, landscape plan, and building elevations, Condition (b) will protect the surrounding apartments from noise impacts that can occur if the dumpster is emptied at night, and Condition (c) gives the land use supervisor permission to sign off on minor modifications to the approved plans that do not compromise major elements of the plans. Condition (d) allows this special use permit to be final only after a zoning ordinance amendment is made to allow the location of parking for special use permits in residential districts to be granted as part of the special use permit. It is anticipated that the ordinance amendment will come before the city council in late December.

Application date: September 29, 2009  
Action deadline: January 27, 2010