



**Planning & Development Division**  
*Planning & Economic Development Department*

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<b>File Number</b>	PL 23-198	<b>Contact</b>	Chris Lee, clee@duluthmn.gov	
<b>Type</b>	Special Use Permit - Restaurant	<b>Planning Commission Date</b>	December 12, 2023	
<b>Deadline for Action</b>	<b>Application Date</b>	November 2, 2023	<b>60 Days</b>	January 1, 2024
	<b>Date Extension Letter Mailed</b>	November 10, 2023	<b>120 Days</b>	March 1, 2024
<b>Location of Subject</b>	7002 W Grand Avenue – Former Gas Station			
<b>Applicant</b>	Duane Carlson	<b>Contact</b>		
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	PID: 010-2420-02140			
<b>Site Visit Date</b>	November 28, 2023	<b>Sign Notice Date</b>	November 28, 2023	
<b>Neighbor Letter Date</b>	November 21, 2023	<b>Number of Letters Sent</b>	24	

**Proposal**

A Special Use Permit to operate a restaurant in the existing building. The project will consist of a 2,861 sq. ft. pizza restaurant with related parking and landscaping.

**Recommended Action:** Approve with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-N	Vacant	Traditional Neighborhood/Open Space
<b>North</b>	MU-N	Highway	Traditional Neighborhood
<b>South</b>	R-1	Railroad	Traditional Neighborhood/Open Space
<b>East</b>	R-1	Vacant	Traditional Neighborhood/Open Space
<b>West</b>	MU-C	Highway	Traditional Neighborhood

**Summary of Code Requirements**

- 50-23 Connectivity and Circulation – Focuses on pedestrian and bicycle accommodations.
- 50-24 Parking and Loading – Addresses required parking spaces, loading docks, and snow storage.
- 50-25 Landscaping and Tree Preservation – Landscaping requirements and tree preservation
- 50-26 Screening, Walls, and Fences – Screening of equipment, loading areas, etc., plus fences & retaining walls.
- 50-29 Sustainability Standards – Sustainability point system for new development.
- 50-30 Design Standards – Building standards for multi-family, commercial, institutional, and industrial buildings.
- 50-31 Exterior Lighting – Directs the minimum and maximum illumination values and lighting fixtures for a site.
- 50-37.11 Planning Review – Planning Commission shall approve the Planning Review or approve it with modifications, if it is determined that the application complies with all applicable provisions of this Chapter.

Sec. 50-20.3.Q – Restaurant Use Specific Standards.

1. Shall not exceed 5,000 sq ft.;
2. Drive-ins and drive-throughs for restaurants are allowed in the, MU-C, district;
3. Drive-

through lanes shall allow for stacking space for 5 cars; 4. Drive-through speaker boxes.

**Comprehensive Plan Governing Principles and/or Policies and Current History (if applicable):**

Governing Principle # 1- Reusing of previously developed lands: this proposal is utilizing existing developed lands for a new user.

Future Land Use – Open Space: High natural resource or scenic value, with substantial restrictions and development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls.

Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home businesses. Parks and open space areas are scattered through or adjacent to the neighborhood.

History: The site is currently home to a former gas station. The tanks have been removed and the fuel pumps removed.

**Review and Discussion Items**

Staff finds that:

1. The proposed pizza restaurant will be 2,861 sq. ft with some indoor seating for ordering and service. There is no drive-through proposed for the restaurant.
2. No other use specific standards for a restaurant are applicable in the MU-N zone district.
3. The site plan shows 14 parking spaces for the proposed restaurant. This meets the minimum required (6.5 parking spaces per 1,000 sq. ft. of building area for restaurants or 40 stalls).
4. The landscape plan submitted indicates 12 trees and 24 shrubs exceeding the minimum required for the site. These trees and shrubs will be planted to meet the 30% parking coverage directly adjacent to the site and in surrounding parking areas. This is an alternative landscape design approved by the Land Use Supervisor. Staff determined that the alternative design would present a higher chance of survivability due to the harsh environment being adjacent to a state highway.
5. HVAC mechanical units are not shown and will need to be screened from view, which can be verified at time of building permit application.
6. Trash screening is shown on the plans with compliant materials.
7. Ground-mounted signs indicated on plans are not part of this review and are subject to separate sign permits.
8. Sustainability and building design standards do not apply due to the size of the structure.
9. A photometric plan with fixture details indicates code complaint lighting will need to be verified at the time of building permit application.
10. MnDOT has commented that a new access permit will be required. MnDOT requires new access permits for an existing access when a change of use occurs. The two existing accesses on Highway 23 previously were for a C-Store/Gas Station.
11. No public, agency, or City comments were received at the time of drafting this report.
12. The permit will lapse if no activity takes place within 1 year of approval.

**Staff Recommendation**

Based on the above findings, staff recommends that Planning Commission approve the Special Use Permit with the following conditions:

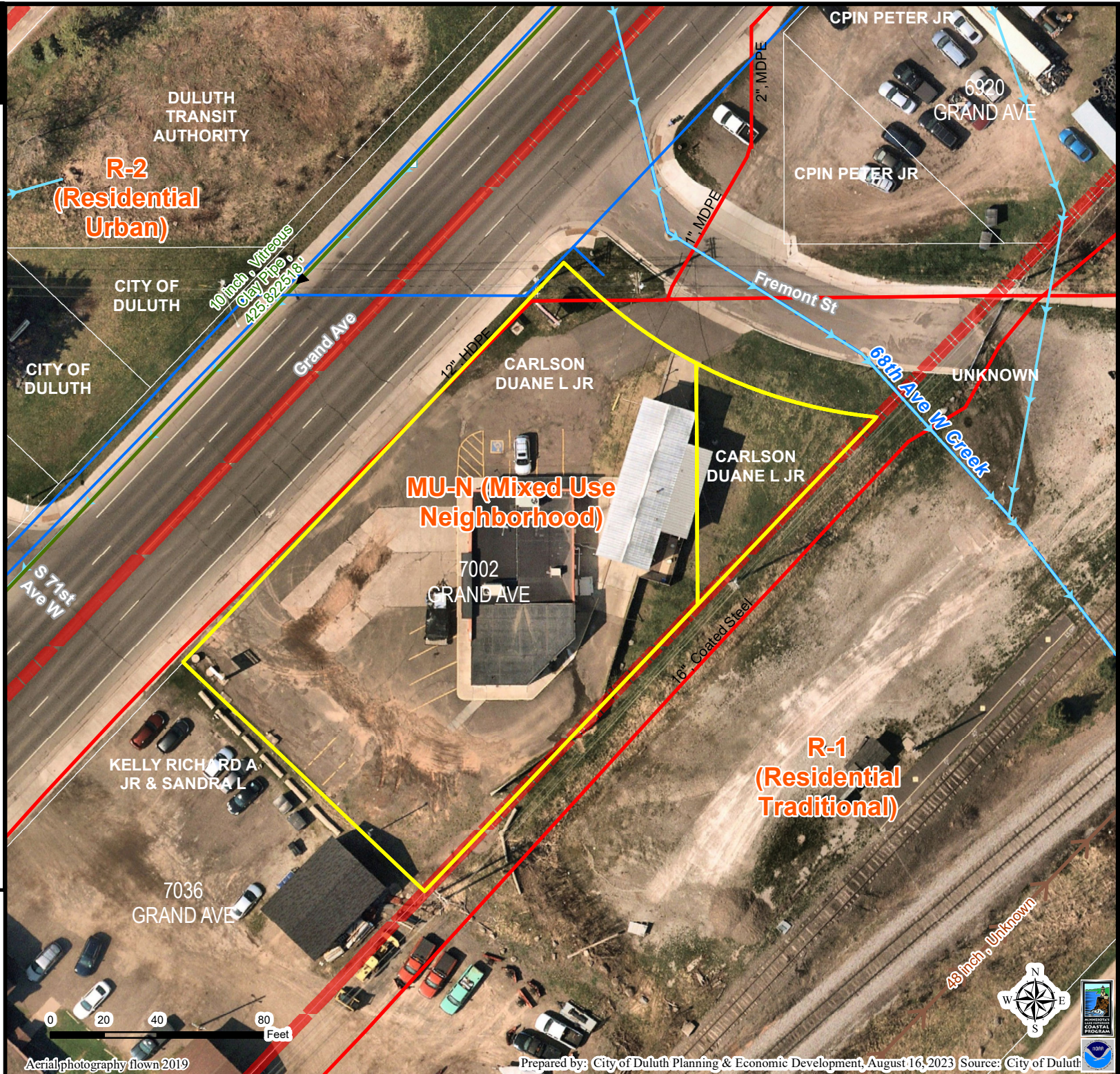
1. The project be limited, constructed, and maintained consistent with plans submitted and included in this report;
2. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



PL23-198  
Special Use Permit  
7002 Grand Ave

**Legend**

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
  - CITY OF DULUTH
  - WLS&D; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- PS Pump Station
- Storm Sewer Mains**
  - Storm Sewer Pipe
  - Storm Sewer Catch Basin
- Zoning Boundaries**
  - Trout Stream (GPS)
  - Other Stream (GPS)



The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

**TREE CANOPY COVERAGE OF PARKING LOT HARDSCAPE CALCULATION**

PARKING LOT HARDSCAPE AREA	13,762 SF
TREE COVERAGE AREA AT MATURITY	4,177 SF
PERCENTAGE COVERAGE OF PARKING LOT	30.3%

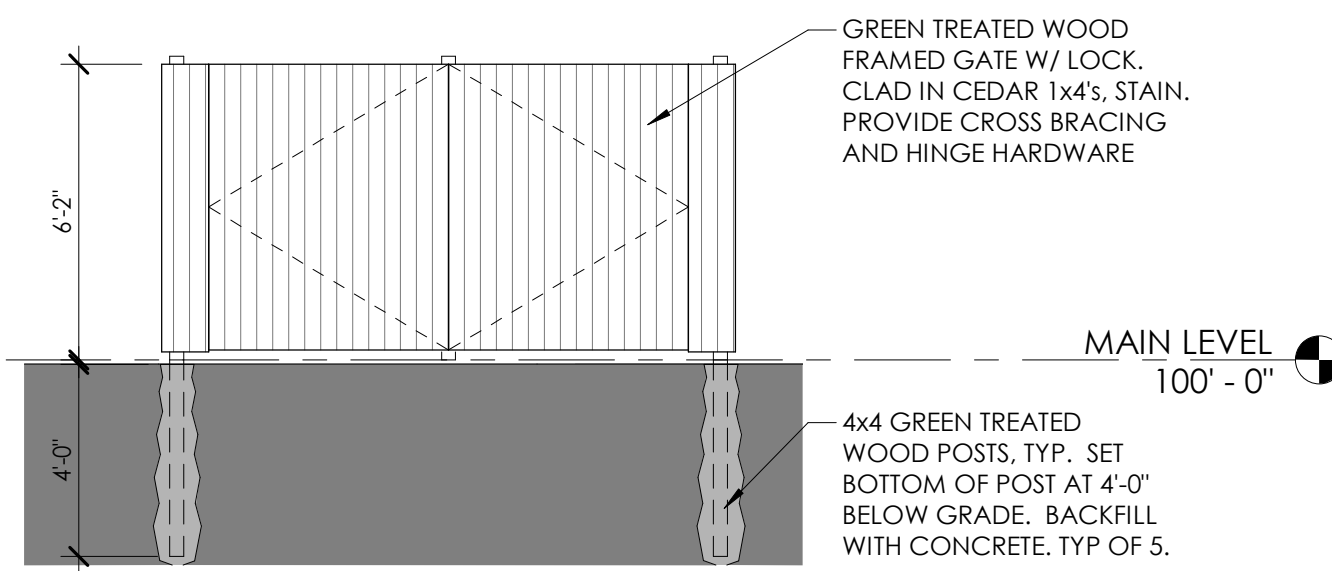
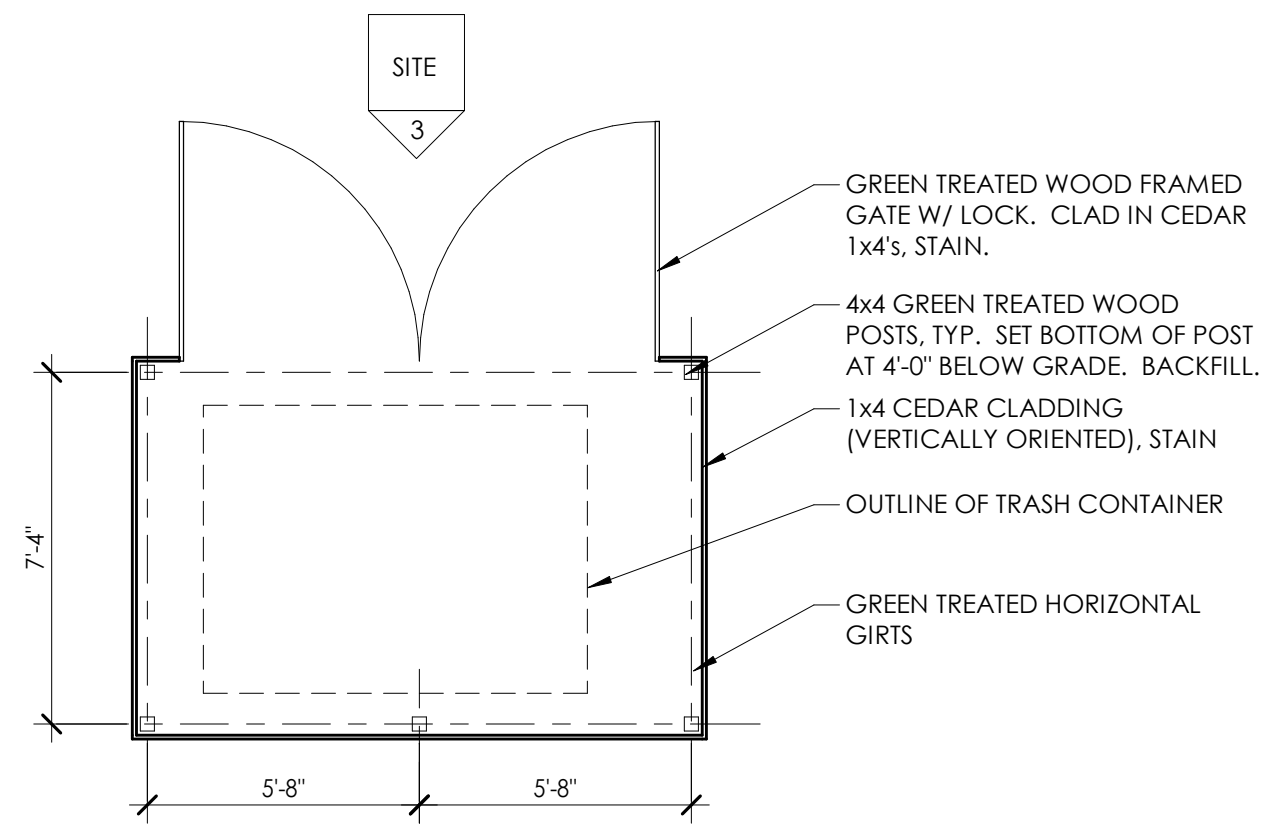
**VEGETATION LEGEND**

TREES (6 MIN. REQUIRED FOR STREETFRONT, ALTERNATE PLAN FOR 4 AT REAR YARD)

- SUGAR MAPLE - 50' AT MATURITY
- HACKBERRY - 35' AT MATURITY

SHRUBS (24 MIN. REQUIRED)

- LILAC, SUGAR PLUM FAIRY
- MOCKORANGE, MINIATURE SNOWFLAKE



**PRELIMINARY**  
NOT FOR CONSTRUCTION  
DATE: 11.2.2023

**DOMINO'S PIZZA**  
7002 GRAND AVE  
DULUTH, MN 55807

ISSUE DATE  
11.2.2023  
PROJECT NO.  
2347  
REVISIONS

SHEET NO.  
**SITE**

**How the guiding principles as itemized by the City of Duluth apply to the special use zoning process and the development of a Domino's at 7002 W Grand Avenue.**

Please consider the following while reviewing the application for the special use zoning permit that is being applied for:

**Principle 1: Reuse previously developed land:**

While this may seem self evident, the description of the property currently is most accurately portrayed as vacant. This property was purchased with the intent of relocating an existing Domino's Pizza business from 309 N Central Avenue. The building, the layout, the existing utilities and equipment already installed match very well with the requested new use of this existing space and property.

**Principle 2: Declare the necessity and secure the future of undeveloped places.**

Since this space is already developed in some capacity, the only areas that seem to apply are declaring the necessity and explaining how we will further develop the property to create a more inviting and vibrant part of the neighborhood.

The relocation is necessary for this Domino's. The current building that houses this store has many signs of an aging facility. While structurally, the building is sound, the investment that is required to make this a state of the art location would be significant. Relocation or close are the only options for this store. The fact that we have this option makes relocation viable.

In terms of the undeveloped part of the principle, further developing parking space to include the landscaping and other upgrades to make this an attractive part of the neighborhood is important. Instead of an empty building and an empty parking lot, we will develop the blank space to include trees, shrubs, and attractive property layout to enhance the look of the area. The close proximity to the Superior Zoo will bring added notice to the improvement.

**Principle 3: Support existing economic base.**

The option to relocate as opposed to closing an existing business also would seem to be self evident. The developed property not only will impact the labor already at the store, but the new location will further develop need for more positions to be filled.

The tax base for the city of Duluth is also impacted in two areas. Property value will be positively impacted as well as Sales Tax revenue.

**Principle 4: Support economic growth sectors.**

Although this is not directly related to most of the sectors listed in this principles main body of text, all businesses that develop support those that are directly referred to. All manner of the growth sectors have employees that support and appreciate services and products of their choosing.

This area on W Grand has limited facilities to support economic growth and provide services to the neighborhood. In fact, by allowing Domino's to develop this space may spur growth of other business to invest locally and further develop unused or abandoned spaces.

**Principle 5: Promote reinvestment in neighborhoods.**

As referred to in the previous principle, this is the definition of what we hope to do with this lot. Domino's has always been a supporter of local athletics, arts, schools, and other events. Allowing this development with further the ability of Domino's to not only be a business partner in this neighborhood, but also be a supporting partner for several of the groups and entities that we already donate to and support.

**Principle 6: Reinforce the space-specific.**

How this applies to 7002 W Grand at first was confusing. Then, I further looked at the process that this exercise is making me do. It is opening up the ideal of developing a previously used space and further enhancing it to maybe help others do the same. We have a tourist railroad stop right behind us that frankly looks like a weeded lot but the customers use the bathroom. Developing the lot as prescribed in the landscape plan does exactly what this principles asks.

**Principle 7: Create and maintain connectivity.**

Development of a property, any property, should enhance this principle. By having space to add shade for pedestrians. Perhaps benches for a bus stop or simply opening the facility to allow the conveniences of getting out of the weather while waiting for a public transportation or walking down the sidewalk all enhance this principle.

**Principle 8: Encourage mix of activities, uses, and densities.**

Development of this property as a Domino's makes this the first restaurant in this section of the neighborhood. There are landscape properties, taverns, semi-industrial uses, gas stations, a zoo, and probably many others that are not listed. Food service except as provided by gas stations is decidedly missing. Allowing us to use this space as a Domino's further enforces this principles mission.

**Principle 9: Support private actions that contribute to the public realm.**

Reimagining the use of this space as a Domino's at first may not seem to directly contribute to this. However, the development of a modern looking facility that this Domino's will be is exactly how it supports this principle. Just like the Kwik Trip a few blocks away does, it brings a modern look to the area.

**Principle 10: Take actions that enhance the environment, economic , and social well being of the community:**

Development of this property and specifically the parking lot to conform with the requirement that the city of Duluth has set forth enhances the environment. Other factors described in this principle are addressed either in previous paragraphs or by simple definition.

Economic impact is a multi-faceted improvement for all parties. City, employee, and employer all (hopefully) see positive growth from this.

Social well being can be considered through the options of convenience of a service, the impact of having a safe place to congregate, and the overall improvement of a formerly unoccupied lot.

**Principle 11: Consider education systems in land use actions.**

Like some of the other principles, this consideration isn't as obvious. It also becomes more clear when you consider that all development done consistently with the overall development plan of a community enhances all areas. High tides raise all ships would seem to be the most applicable theme.

Is a school going to be build or developed because we put a Domino's in this location? No. But developing a complete community which includes all facets of business and industry may eventually lead to such an action.

**Principle 12: Create efficiencies in delivery of public services.**

Private business does not create efficiencies in delivery of public services directly, but supporting those that do this helps create an overall healthier system. If that causes efficiencies to develop or improvements to an area to become a priority, then we are lucky enough to have contributed to that.

We will continue to support those that specifically do provide these services in any possible way.

## **Declaration of Non-negative Impact to Develop Property**

**RE: 7002 Grand Avenue**

As prescribed by the checklist for Special Use Permit – General and for the development of the property located at 7002 Grand Avenue, I am committing to develop the property as to not have a negative impact on the community and neighborhood.

This lot was formerly a gas station. All environmental inspections have already been done to verify that the property as it was purchased had all necessary environmental considerations properly identified and taken care of. Development of this property will not be adding any additional environmental concerns to this property.

Since the purchase of this property and through the process of applying for this special use permit. Areas have been identified and addressed with respect to the guiding principles of planning and development for the City of Duluth. In doing so, the process and the importance of developing not just the construction documents, but the overall site plan came into focus.

With that, please consider the other attached letter specifically referencing the guiding principles and how they apply to this property and how they are being addressed.

Development of a vacant property along with the process that the City has required has helped make a more cohesive plan that truly does improve the neighborhood, the area, and the develop of this property and future business.

Thank you for using such a process to bring a full circle plan into place.

With the consideration of these additional steps and the process of really looking at the project from several points of view, this process has helped developed a site and business plan for this project that will help improve more than just the look of this building and lot.