

Planning & Development Division

Planning & Economic Development Department



Room 160 411 West First Street Duluth, Minnesota 55802

File Number	PL 21-047		Contact	Contact Kyle Den		ning, kdeming@duluthmn.gov	
Туре	Special U	se Permit – Restaurant	Planning Co	mmissio	n Date	May 11, 2021	
Deadline	Application Date Date Extension Letter Mailed		March 26, 20	March 26, 2021 60 Days pril 30, 2021 120 Days		May 25, 2021	
for Action			April 30, 202			s July 24, 2021	
Location of Su	bject	South side of 600 block of W. C	entral Entranc	e (Mall A	rea)	1	
Applicant	The Paril	ch Network	Contact	Ed Baksh			
Agent			Contact				
Legal Description		Lot 2, Block 1, Jigsaw Division (0	010-2589-0002	20)			
Site Visit Date		April 30, 2021	Sign Notice Date			April 27, 2021	
Neighbor Letter Date		April 30, 2021	Number of Letters Sent		ent	18	

Proposal

A 2,287 sq. ft. restaurant with drive-through and 24 parking spaces located in the Jigsaw Division.

Recommended Action: Approve with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-6 Mid-Rise Neighborhood Shopping	Vacant commercial	Neighborhood Mixed Use
North	MU-N and R-1	Apartment Building	Neighborhood Mixed Use
South	F-6 Mid-Rise Neighborhood Shopping	Commercial	Neighborhood Mixed Use
East	F-6 Mid-Rise Neighborhood Shopping	Apartments	Neighborhood Mixed Use
West	MU-N	Parking lot	Neighborhood Mixed Use

Summary of Code Requirements

Sec. 50-37.10 – Special Use Permits: Planning Commission shall approve the application or approve it with modifications, if it is determined that the application meets the following criteria:

- 1. The application is consistent with the Comprehensive Land Use Plan;
- 2. The application complies with all applicable provisions of this Chapter; including without limitations to any use-specific standards applicable to the proposed use, development or redevelopment, and is consistent with any approved district plan for the area.
- 3. Without limiting the previous criteria, the Commission may deny any application that would result in a random pattern of development with little contiguity to existing or programmed development or would cause anticipated negative fiscal or environmental impacts on the community.

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

- 1. In the R-2 and MU-N district, no use shall exceed 5,000 sq. ft. in gross floor area;
- 2. Drive-ins and drive-throughs for restaurants are only allowed in the MU-N, MU-C, MU-B, MU-P, F-2, F-3, F-4, and F-5 zone districts zone districts;
- 3. Drive-through lanes shall allow for stacking space for 5 cars;
- 4. When in the MU-N district, the following additional standards apply: (a) The speaker box and drive-through window must be at least 50 feet from any property line containing a residential structure; (b) Drive-through may not open before 7:00 a.m. or after 10:00 p.m. during the weekday, or before 8:00 a.m. or after 10:00 p.m. on the weekend. Drive-through may be open at 6:00 a.m. during the weekday or at 7:00 a.m. on the weekend only if all speaker boxes and drive through windows are at least 125 feet from any residential structure, or open until 11:00 pm on Friday and Saturday if all speaker boxes and drive-through windows are at least 250 feet from any residential structure, excluding any residential use or structure on the same property or within the same development; (c) Glare and noise from cars in the drive-through lane and stacking space shall be shielded from adjacent residential properties through the use of screening, fencing, and/or a dense urban screen; (d) The land use supervisor may require that the drive-through be located on the opposite side of the building from a residential use or that a masonry sound wall be constructed; (e) Restaurants are limited to one drive through lane and one speaker box;

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

Governing Principle #8 – Encourage mix of activities, uses, and densities. Project is the first in a mixed commercial development with retail and restaurants and possibly a car wash.

Governing Principle #9 – Support private actions that contribute to the public realm. – Project will extend 350 feet of sidewalk along Anderson Rd. from Central Entrance to the project's entrance.

Zoning –Mixed Use-Neighborhood (MU-N) - a mix of neighborhood-scale, neighborhood serving non-residential uses and a range of residential uses located in close proximity. Non-residential uses may include small-scale retail, service and professional offices that provide goods and services to the residents of the surrounding neighborhood.

Future Land Use – Neighborhood Mixed Use - A transitional use between more intensive commercial uses and purely residential neighborhoods. Includes conversions of houses to office or live -work spaces. May include limited commercial-only space oriented to neighborhood or specialty retail markets. Site design should maintain a largely residential building character. Commercial-only uses should be adjacent to non-residential or other mixed-use areas.

History:

- 1. Site was zoned R-1 prior to 2012 when it was rezoned MU-N in implementation of the Central Entrance Small Area Plan that was adopted by City Council in 2009.
- 2. The site is part of the 3.5-acre Jigsaw Division plat that was approved by the Planning Commission 10/9/2018.
- 3. A 1950s era home on the site was removed in 2020.

Review and Discussion Items

Staff finds that:

- 1. The proposed restaurant is the first building to be built in the Jigsaw Division. The applicant is the leaseholder of 0.73 acres of land to be developed with driveways onto Central Entrance and Anderson Rd., sidewalk from Anderson Rd., a storm water pond to support the 3.5-acre Jigsaw Division. The developer of the Jigsaw Division (Launch Properties) has provided a "preliminary site plan" to show in red hatch what would be developed with the restaurant project. Staff recommends Launch Properties clarify storm water facilities to be developed as well as a complete pedestrian pathway from Anderson Rd. to the restaurant.
- 2. Applicant is proposing a 2,287 sq. ft. restaurant with a drive through window that has 2 lanes for ordering. There is room for 6 vehicles to cue up at the menu/ordering station, which complies with UDC requirements of space for 5 vehicles to cue up. Applicant will need to modify the site plan to comply with UDC requirements limiting to a single drive through lane and speaker box.

- 3. The drive through may be open from 6 a.m. until 10 p.m. on weekdays and 7 a.m. until 11 p.m. on weekends since the speaker box is more than 250 feet from a residential structure. No screening is required for vehicles using the drive through due to its location away from residential properties.
- 4. The Woolpert site plan shows 24 parking spaces and the Launch Properties preliminary site plan shows 28 spaces. The maximum allowed (150% of minimum) is 22 spaces. Therefore, staff recommends a condition of approval be the applicant reduce parking to 22 spaces.
- 5. One or more of the landscape islands appear to be less than 8 feet wide on both the Woolpert and Launch Properties site plans. Therefore, staff recommends a condition that they be increased to at least the minimum width to allow space for the root systems of trees planted.
- 6. The landscape plan submitted matches the Woolpert site plan, but does not match the Launch Properties preliminary site plan. Applicant must submit a landscape plan that matches the selected site plan and that it shows calculation of the required 30% tree canopy coverage.
- 7. HVAC mechanical units are not shown and will need to be screened from view, which will need to be verified at time of building permit application.
- 8. Trash screening is provided on both site plans and materials used will need to be verified for compliance at time of building permit. The location should be at the end of a drive aisle to facilitate access by the trash hauler.
- 9. A fence and retaining wall are shown on the site plan and their height and materials will need to be verified at time of building permit.
- 10. No pole or monument signs are shown on site. Because this is a commercial multi-tenant development, a master sign plan will need to be approved by the Planning Commission before building and free-standing sign permits can be issued.
- 11. Sustainability and building design standards do not apply due to the size of the structure.
- 12. The submitted photometrics plan shows compliance with Sec. 50-31. However, due to the reconfiguration of the parking lot shown in the Launch Properties site plan, a revised photometric plan will be needed.

Staff Recommendation

Based on the above findings, staff recommends that Planning Commission adopt the findings of fact in the staff report and approve the special use permit with the following conditions:

- 1) The project be limited, constructed, and maintained consistent with plans titled "Site Improvements Proposed Restaurant" by Woolpert, dated 3/23/2021, including Sheet C200 Site Plan, Sheet C300 Preliminary Grading Plan, Sheet C500 Landscape Plan, and Sheet C700 Photometrics Plan and their amendments as approved by the Land Use Supervisor and City Engineer as listed below.
- 2) Applicant provide details about site access for pedestrians to the Land Use Supervisor who will verify they are sufficient to for safe access by users.
- 3) Applicant provide details about construction of storm water facilities sufficient to meet City requirements as verified by the City Engineer.
- 4) Reduce the number of drive through speaker boxes to and ordering lanes to 1.
- 5) Reduce the number of vehicle parking spaces to 22.
- 6) Applicant provide a landscape plan based on the final site plan that shows landscape islands a minimum width of 8 feet and tree cover to meet the 30% parking lot coverage requirement.
- 7) Relocate trash enclosure to line up with a drive aisle to facilitate access by the trash hauler and provide details about the construction materials.
- 8) Developer submit a master sign plan for building and free-standing signs to the Planning Commission for approval before sign permits can be issued.
- 9) Provide a revised photometric plan that matches the approved site plan.
- 10) 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; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.

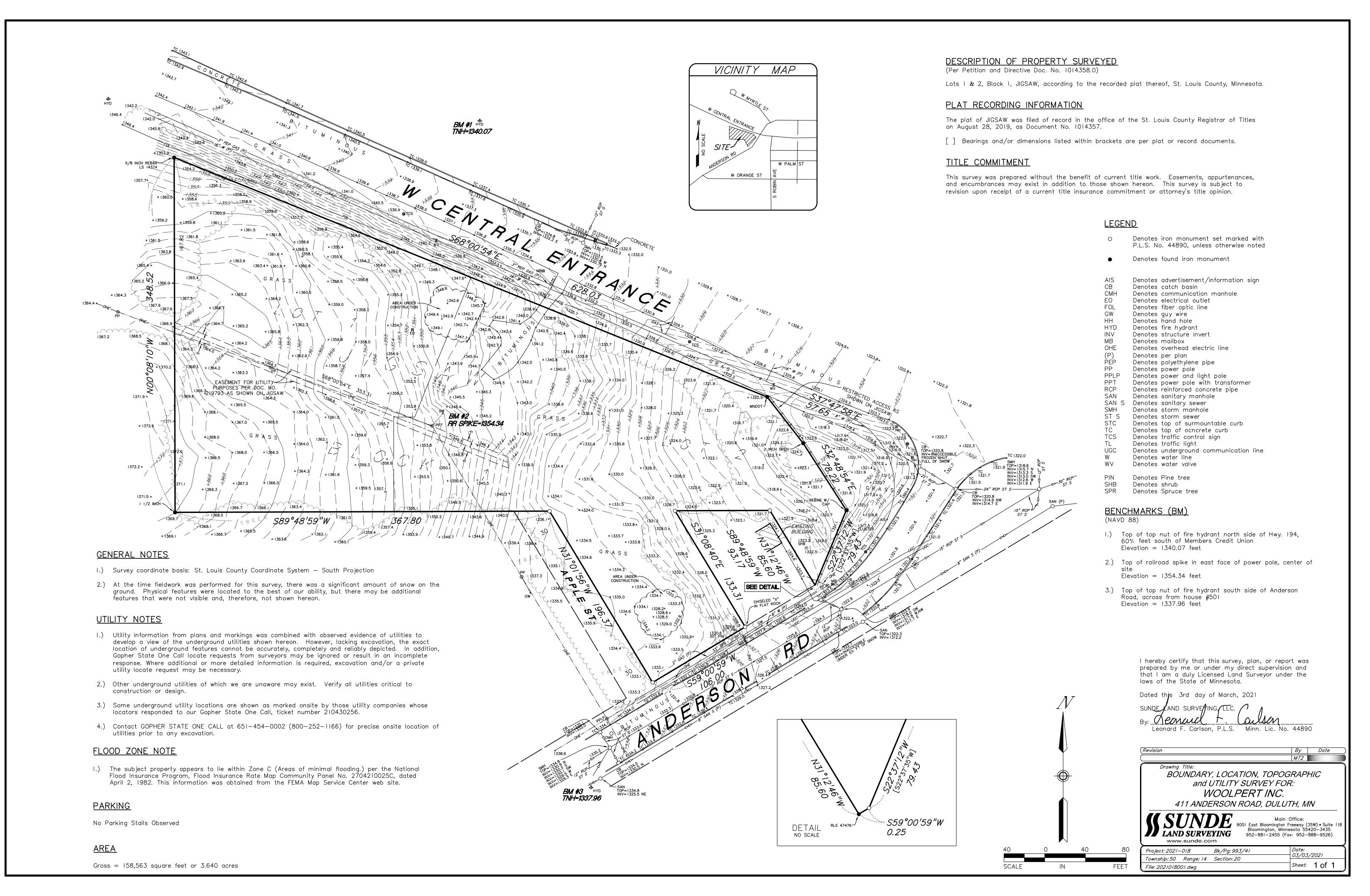


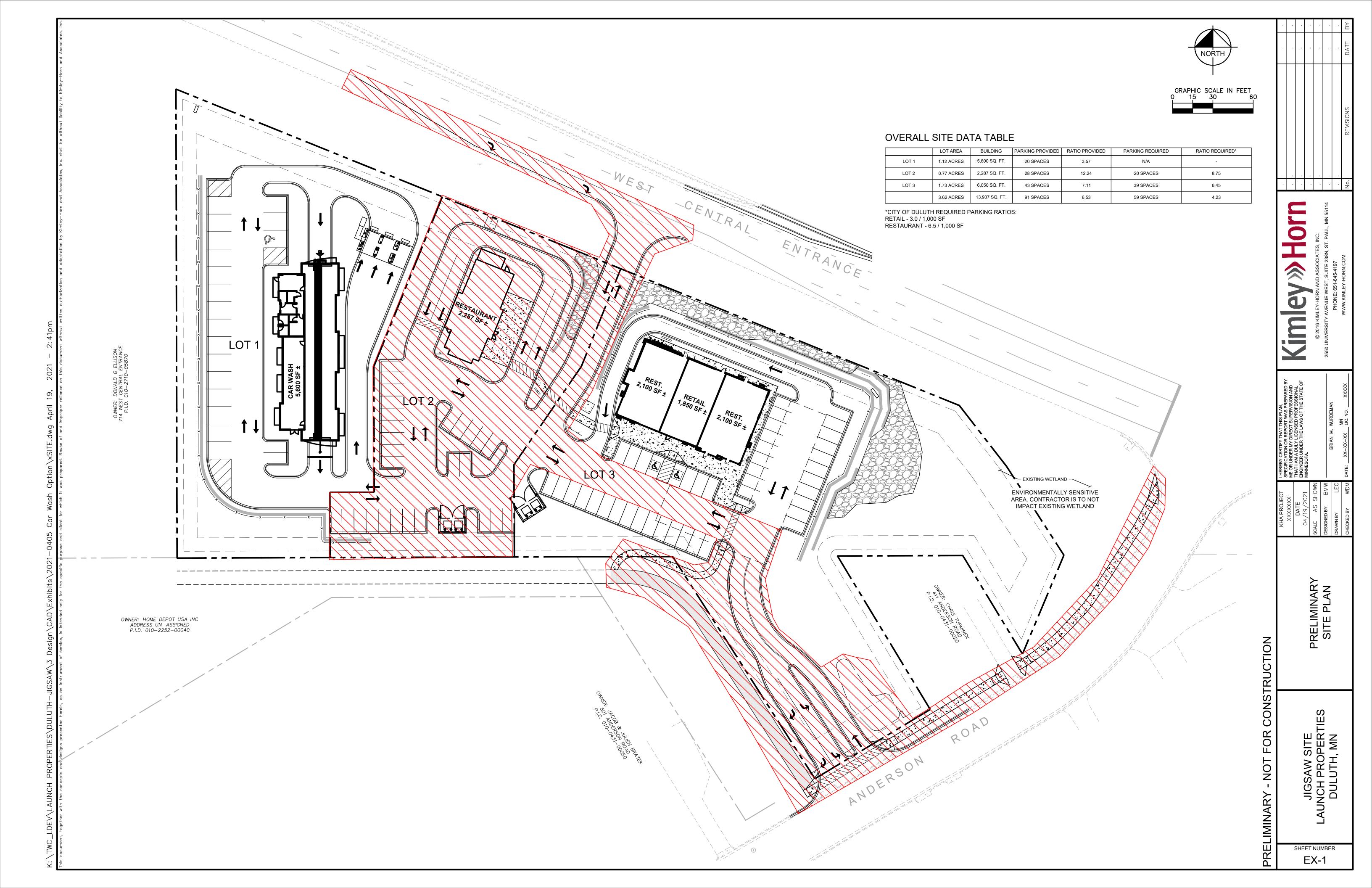
PL 21-047 600 Block of W. Central Entrance Special Use Permit - Restaurant in MU-N

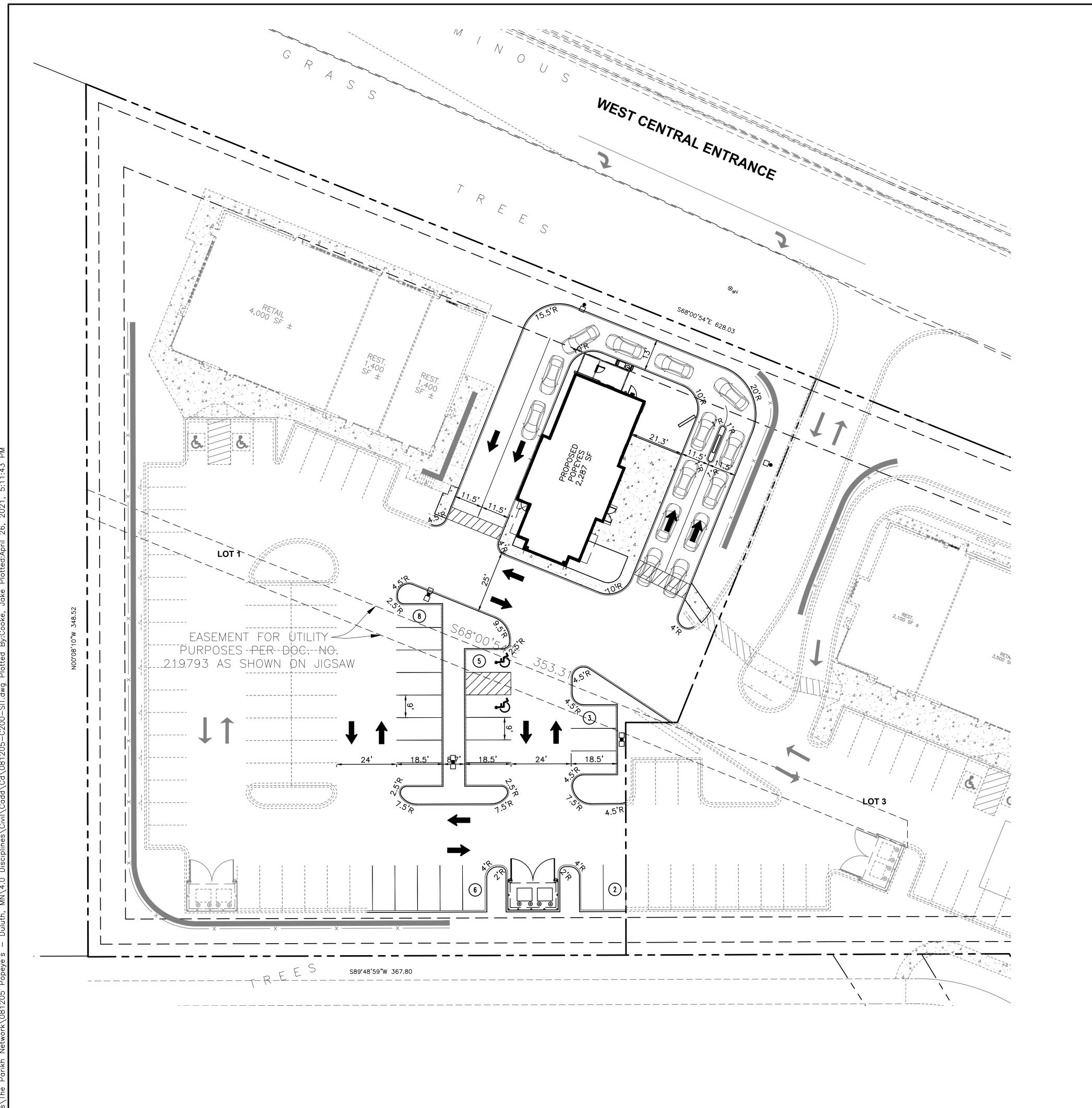
Private Dr



VIU-© (Mixed Use <u>Commercial)</u> W Central Entrance W Central Entrance MU-N (Mixed Use Neighborhood) A) (Residenti Traditional) The City of Duluth has tried to ensure that the information The City of Dulutn 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 600 errors contained within this data provided or for any damages in connection with the use of this information Prepared by: City of Duluth Planning & Economic Development, April 28, 2021. Source: City of Duluth. contained within. Aerial photography flown 2019









INDICATES LIGHT DUTY PAVEMENT—SEE DETAILS FOR PAVEMENT COMPOSITION

INDICATES HEAVY DUTY PAVEMENT—SEE DETAILS FOR PAVEMENT COMPOSITION INDICATES NEW CONCRETE PAVEMENT/SIDEWALK-SEE DETAILS FOR PAVEMENT COMPOSITION

□→ □•□ •□ LIGHT POLES

EXISTING CURB AND GUTTER POSITIVE SLOPED CURB

NEGATIVE SLOPED CURB ========== FUTURE CURB AND GUTTER (DEVELOPED BY OTHERS)

INDICATES ROW PARKING COUNT

INDICATES PARKING TOTAL FOR SURROUNDING AREA — - - PROPERTY BOUNDARY

SITE DATA

0.73 ACRES PROPOSED SITE AREA BUILDING DATA:

BUILDING AREA

PARKING DATA: SPACES REQUIRED (6.5/1000 SF) 15

SPACES PROVIDED ACCESSIBLE SPACES REQUIRED ACCESSIBLE SPACES PROVIDED

2,287 SQ. FT.

BENCHMARK:

MINNESOTA DEPARTMENT OF TRANSPORTATION GEODETIC MONUMENT "6915 B RESET" (GSID #27366)
ELEVATION = 1336.08 FEET. (NAVD88)

THE EXISTING CONDITIONS SHOWN ARE BASED UPON A SURVEY PREPARED BY EGAN, FIELD & NOWAK, INC. AND DATED JANUARY 31, 2018.



GRAPHIC SCALE IN FEET

C200

GRADING LEGEND

EXISTING BOUNDARY PROPOSED BOUNDARY EXISTING 1' CONTOUR EXISTING 5' CONTOUR PROPOSED 1' CONTOUR PROPOSED 5' CONTOUR PROPOSED STORM DRAIN CONSTRUCTION LIMITS

OVERLAND FLOW ROUTE

PROPOSED CATCH BASIN

PROPOSED CURB INLET

PROPOSED STORM MANHOLE

PROPOSED FLARED END SECTION

PROPOSED CLEANOUT

BENCHMARK

POSITIVE SLOPED CURB ===== NEGATIVE SLOPED CURB

INDICATES DETAIL LOCATION (DETAIL NUMBER/DETAIL SHEET)

PROPOSED STORM STRUCTURE CALLOUT

PROPOSED ELEVATIONS LEGEND

★800.00 TC ELEVATION AT TOP OF CURB

★ 000.00 FL ELEVATION AT FLOW LINE

ELEVATION AT TOP OF PAVEMENT

ELEVATION AT GRADE

ELEVATION AT TOP OF SLAB

ELEVATION AT TOP OF WALK

★800.00 RIM TOP OF CASTING (RIM OR FLOW LINE) ELEVATION

ELEVATION TO MATCH EXISTING GRADE

800.00 TC TOP OF CASTING (RIM OR FLOW LINE) ELEVATION

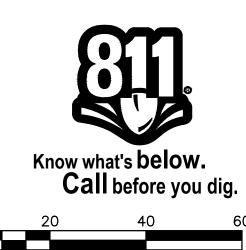
800.00 SPOT ELEVATION

EXISTING ELEVATIONS LEGEND

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GRAPHIC SCALE IN FEET

C300

SHEET NO.

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LANDSCAPE CODE SUMMARY

DULUTH, MN LEGISLATIVE CODE CHAPTER 50 — ARTICLE IV — DEVELOPMENT STANDARDS

LANDSCAPING AND TREE PRESERVATION (50-25)

STREET FRONTAGE LANDSCAPING (50-25.3)
PROVIDE ONE TREE FOR EVERY THIRTY-FIVE (35) LINEAR FEET AND ONE LARGE SHRUB FOR EVERY TWENTY-FIVE (25) LINEAR FEET OF FRONTAGE

WEST CENTRAL ENTRANCE (115.6 LF)

= 3.3 TREES & 4.6 LARGE SHRUBS REQUIRED = 3 TREES & 6 LARGE SHRUBS PROVIDED

PARKING LOT PERIMETER (50-25.4.A)
PROVIDE ONE TREE FOR EVERY THIRTY-FIVE (35) LINEAR FEET AND

THREE (3) LARGE SHRUBS FOR EVERY TWENTY—FIVE (25) LINEAR FEET ADJACENT TO PUBLIC STREET

APPLE STREET (103.4 LF)

= 2.9 TREES & 12.4 LARGE SHRUBS REQUIRED = 3 TREES & 13 LARGE SHRUBS PROVIDED

PARKING LOT INTERIOR (50-25.4.B)

PROVIDE LANDSCAPE AREA EQUIVALENT TO TEN PERCENT (10%) OF PARKING AREA. PROVIDE ONE TREE FOR EVERY THREE HUNDRED (300) SQUARE FEET OF REQUIRED LANDSCAPE AREA

VEHICULAR USE AREA (18,284 SF) = 1,828.4 SF OF LANDSCAPE AREA & 6.1 TREES REQUIRED

= 1,828.4 SF OF LANDSCAPE AREA & 6.1 TREES REQUIRED = 2,589 SF OF LANDSCAPE AREA & 7 TREES PROVIDED

PERMANENT SEED BLEND

6 LBS PER 1000 SF

90% FINE LEAF FESCUE (FESTUCA ARUNDINACEA)
REBEL, REBEL II, WRANGLER, BONANZA, MOJAVE OR
EQUAL

10% KENTUCKY BLUEGRASS (POA PRATENSIS)
MIDNIGHT, RUGBY II, MIDIRON VARIETIES OR EQUAL
98% PURITY AND 85% GERMINATION
95% WEED FREE

8 LBS 12-12-12 FERTILIZER PER 1000 SF 1 1/2 BALES OF STRAW PER 1000 SF

LAWN AREA (5,250 SF)

LANDSCAPE NOTES

- LOCATING AND PROTECTING ALL UNDERGROUND UTILITIES, PRIOR TO DIGGING, IS RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR.
 PRIOR TO INSTALLATION, THE LANDSCAPE CONTRACTOR SHALL INSPECT THE SUB GRADE, GENERAL SITE CONDITIONS, VERIFY ELEVATIONS, UTILITY LOCATIONS, IRRIGATION, APPROVE TOPSOIL PROVIDED BY GENERAL CONTRACTOR AND OBSERVE THE SITE CONDITIONS UNDER WHICH THE WORK IS TO BE DONE. NOTIFY GENERAL CONTRACTOR OF ANY UNSATISFACTORY CONDITIONS.
- WORK SHALL NOT PROCEED UNTIL SUCH CONDITIONS HAVE BEEN CORRECTED AND ARE ACCEPTABLE TO THE LANDSCAPE CONTRACTOR AND/OR CONSTRUCTION MANAGER.

 3. GENERAL AND LANDSCAPE CONTRACTOR ARE RESPONSIBLE FOR PROTECTING EXISTING TREES FROM DAMAGE DURING
- CONSTRUCTION. GENERAL CONTRACTOR TO INSTALL TREE
 PROTECTION FENCING PRIOR TO ANY SITE WORK.

 4. ALL SHRUB AND GROUNDCOVER BEDS TO BE MULCHED WITH A
- MINIMUM OF 3 INCHES OF CLEAN SHREDDED HARDWOOD MULCH.

 5. PLANTING HOLES TO BE DUG A MINIMUM OF TWICE THE WIDTH THE SIZE OF THE ROOT BALL OF BOTH SHRUB AND TREE. AMEND BACKFILL WITH TOPSOIL MIX. BACKFILL AND TAMP BOTTOM OF HOLE PRIOR TO PLANTING SO TOP OF ROOT BALL
- DOES NOT SETTLE BELOW SURROUNDING GRADE.

 TOPSOIL MIX TO BE 4 PARTS SCREENED TOPSOIL AND 1 PART
- 7. EXISTING GRASS IN PROPOSED PLANTING AREAS TO BE REMOVED AND AREA TO BE HAND RAKED TO REMOVE ALL ROCKS AND DEBRIS LARGER THAN 1 INCH IN DIAMETER PRIOR TO PLANTING SHRUBS.

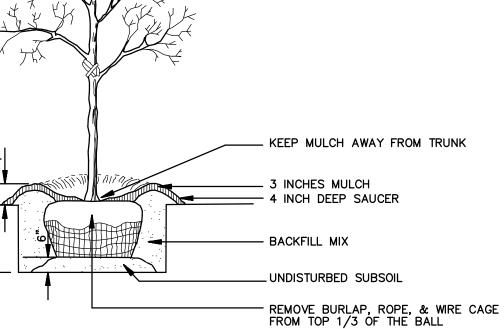
ORGANIC MATERIAL (i.e. NATURE'S HELPER OR PRO MIX).

- 8. SOIL TO BE TESTED TO DETERMINE FERTILIZER AND LIME REQUIREMENTS. LIME AND FERTILIZER TO BE DISTRIBUTED PRIOR TO SPREADING SEED. ALL DISTURBED AREAS (INCLUDING RIGHT-OF-WAYS) NOT RECEIVING PLANTINGS TO RECEIVE 4 INCHES OF TOPSOIL AND SEEDED.
- 9. ALL CHANGES TO DESIGN AND/OR PLANT SUBSTITUTIONS TO BE AUTHORIZED BY LANDSCAPE ARCHITECT.
- 10. ALL PARKING ISLANDS TO BE BERMED UP 6"-10" WITH CLEAN FRIABLE TOPSOIL PRIOR TO PLANTING.
- 11. ALL LANDSCAPING SHALL BE INSTALLED IN CONFORMANCE WITH ANSI Z60.1 THE AMERICAN STANDARD FOR NURSERY STOCK, AND THE ACCEPTED STANDARDS OF AMERICANHORT.
- 12. THE LANDSCAPE CONTRACTOR SHALL GUARANTEE ALL PLANTS INSTALLED FOR ONE FULL YEAR FROM DATE OF ACCEPTANCE BY THE OWNER. ALL PLANTS SHALL BE ALIVE AND AT A VIGOROUS RATE OF GROWTH AT THE END OF THE GUARANTEE PERIOD. THE LANDSCAPE CONTRACTOR SHALL NOT BE RESPONSIBLE FOR ACTS OF GOD OR VANDALISM.
- 13. ANY PLANT THAT IS DETERMINED DEAD, IN AN UNHEALTHY OR UNSIGHTLY CONDITION, LOST ITS SHAPE DUE TO DEAD BRANCHES OR OTHER SYMPTOMS OF POOR, NON-VIGOROUS GROWTH SHALL BE REPLACED BY THE LANDSCAPE CONTRACTOR WITH THE COST OF THE REPLACEMENT INCLUDED IN THE BID OR PROPOSAL
- 14. WATER THOROUGHLY TWICE IN THE FIRST 24 HOURS AND APPLY MULCH IMMEDIATELY.

PLANT SCHEDULE

TAG	QTY	SCIENTIFIC NAME	COMMON NAME	COND.	SIZE	REMARKS
TREE			•			•
AF	3	Acer x freemanii 'Jeffersred'	Autumn Blaze Maple	B&B	2.5" cal. 14'ht. 7'wd	Full, well shaped
AG	3	Aesculus glabra	Ohio Buckeye	B&B	2.5" cal. 14'ht. 7'wd	Full, well shaped
AM	1	Amelanchier x grandiflora 'Atutumn Brilliance'	Apple Serviceberry	B&B	2.5" cal. 14'ht. 7'wd	Full, well shaped, single-stem
GD	3	Gymnocladus dioica 'Espresso'	Fruitless KY Coffeetree	B&B	2.5" cal. 14'ht. 7'wd	Full, well shaped
OV	3	Ostrya virginiana	Ironwood	B&B	2.5" cal. 14'ht. 7'wd	Full, well shaped
QB	1	Quercus bicolor	Swamp White Oak	B&B	2.5" cal. 14'ht. 7'wd	Full, well shaped
SHRU	JB					
AU	8	Archtostaphylos uva-ursi 'Massachusetts'	Bearberry	#5 cont.	12"ht. x 18"wd.	Full, vigorous
BU	8	Buxus x 'Glencoe'	Chicagoland Green Boxwood	#5 cont.	18"ht. x 18"wd.	Full, vigorous
HP	3	Hydrangea paniculata 'Limelight'	Limelight Hydrangea	#5 cont.	18"ht. x 18"wd.	Full, vigorous
HK	8	Hypericum kalmianum 'Blues Festival'	Blues Festival St Johnswort	#5 cont.	18"ht. x 18"wd.	Full, vigorous
MP	13	Myrica pensylvanica	Northern Bayberry	#5 cont.	18"ht. x 18"wd.	Full, vigorous
РО	2	Physocarpus opulifolius 'Donna May'	Little Devil Ninebark	#5 cont.	18"ht. x 18"wd.	Full, vigorous
РМ	5	Pinus mugo 'Slowmound'	Dwarf Mugo Pine	#5 cont.	18"ht. x 18"wd.	Full, vigorous
VO	6	Viburnum opulus 'Roseum'	European Cranberrybush	#5 cont.	18"ht. x 18"wd.	Full, vigorous
ORNA	MENT	AL GRASS	·			•
PV	3	Panicum virgatum 'Shenandoah'	Shenandoah Red Switchgrass	#2 cont.		Full, vigorous
PERE	NNIAL			<u> </u>		•
AR	19	Ajuga reptans "Bronze Beauty'	Bronze Beauty Bugleweed	#1 cont.		
LM	33	Liriope muscari 'Big Blue'	Big Blue Lilyturf	#1 cont.		

* QUANTITIES ARE PROVIDED FOR CONVENIENCE ONLY. CONTRACTOR IS RESPONSIBLE FOR ALL QUANTITIES OF PLANTS ON LANDSCAPE PLAN.



NOTE: SEE LANDSCAPE NOTES FOR THE TYPE OF MULCH MATERIAL TO USE.

TREE PLANTING

SHRUB PLANTING

N.T.S.

N.T.S.

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SHEET NO.

C500

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Know what's below.
Call before you dig.

20 40 60

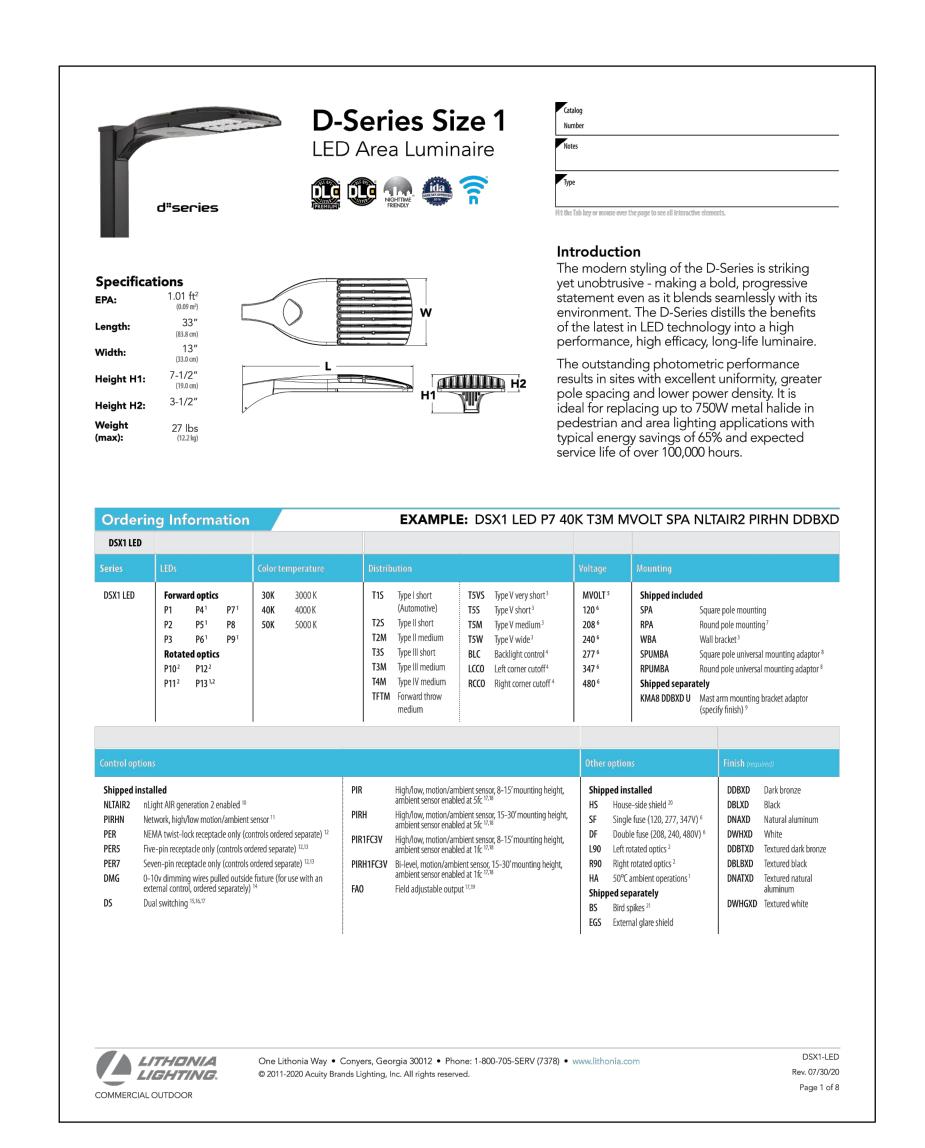
GRAPHIC SCALE IN FEET

Calculation Summary						
Label	CalcType	Units	Avg	Max	Min	Max/Min
OFFSITE	Illuminance	FC	0.10	4.1	0.0	N.A.
SITE	Illuminance	Fc	2.60	6.9	0.8	8.63

Luminaire Schedule							
Symbol	Qty	Arrangement	LLF	Description	Lum. Watts		
\overline{lack}	1	SINGLE	1.000	DSX1 LED P4 40K T4M MVOLT	125		
\overline{lack}	1	SINGLE	1.000	DSX1 LED P4 40K T4M MVOLT HS	125		
1	3	BACK-BACK	1.000	DSX1 LED P4 40K T4M MVOLT	125		

MOUNTING HEIGHT (MH) VARIES. SEE FIXTURE LABEL ON PLAN.

HORIZONTAL MEASUREMENTS TAKEN ALONG A HORIZONTAL PLANE AT GRADE.



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SHEET

SITE IMPROVEMENT PROPOSED RESTAL CORNER OF ANDERSON ROAD & WEST CE

C700

Know what's Delow.
Call before you dig.

20 40 60

GRAPHIC SCALE IN FEET