



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 21-150	Contact	Kyle Deming	
Type	Final Plat	Planning Commission Date		September 14, 2021
Deadline for Action	Application Date	August 11, 2021	60 Days	October 10, 2021
	Date Extension Letter Mailed	September 1, 2021	120 Days	December 9, 2021
Location of Subject	Between Arrowhead Rd. and Marble St. 660 feet west of Arlington Ave. (Duluth Heights)			
Applicant	Unique Opportunities, LLC	Contact	Samuel Herzog	
Agent		Contact		
Legal Description	W ½ of NE ¼ of the NE ¼ of Section 17, Township 50 N, Range 14 W			
Site Visit Date	June 25, 2021	Sign Notice Date	NA	
Neighbor Letter Date	NA	Number of Letters Sent	NA	

Proposal

Subdivide 20 acres into 4 lots and 1 outlot with one new street and completing streets that were parts of adjacent plats.

Staff recommends approval, with conditions

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N and R-1	Vacant/Undeveloped	Neighborhood Mixed Use, Low-Density Neighborhood
North	MU-N	Commercial	Neighborhood Commercial
South	R-1	Dwellings	Low-Density Neighborhood
East	MU-N and R-2	Vacant/Assisted Living	Neighborhood Mixed Use, Urban Residential
West	MU-P, R-1, R-P	Vacant/Dwelling	Low-Density Neighborhood, Urban Residential

Summary of Code Requirements

The planning commission shall approve the application, or approve it with modifications if it determines that the application meets the following criteria (Section 50-37.5.H.3):

- (a) Is consistent with all applicable requirements of MSA 462.358 and Chapter 505;
- (b) Is consistent with the terms and provisions of the preliminary plat approval for the property;
- (c) Demonstrates that all required improvements have been installed or that (a) the applicant has signed a development agreement committing to construct those improvements within 2 years after approval of the final plat and (b) adequate security for the construction of the required improvements has been posted with the City pursuant to Section 50-37.1.P.

Once approved, the applicant shall file the plat in the office of the County Recorder within two years or the approval will lapse per Section 50-37.5.H.4.

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

Governing Principle #7 – Create and maintain connectivity.

Governing Principle #8 – Encourage a mix of activities, uses, and densities.

Governing Principle #9 – Support private actions that contribute to the public realm.

Governing Principle #12- Create efficiencies in delivery of public services.

Housing Policy #2 - Provide affordable, attainable housing opportunities

Housing Policy #4 – Improve the quality of the city’s housing stock and neighborhoods

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

-- Residential-Traditional (R-1): traditional neighborhoods of single-family, duplexes and townhouses on moderately sized lots. Intended to be used primarily in established neighborhoods. Dimensional standards require development and redevelopment to be consistent with development patterns, building scale, and building location of nearby areas.

Future Land Use:

-- Neighborhood Mixed Use: A transitional use between more intensive commercial uses and purely residential neighborhoods. 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.

-- Low Density Neighborhood: Single-family housing with urban services. Typified by curvilinear streets, houses with longer dimension parallel to street, and attached garages. Includes a range of house sizes and lot sizes. Non-residential uses are mainly uses such as schools and churches. Parks and open space are located within or adjacent. 3 -4 units/acre (future study). Conservation development an option, required with SLO. Limited number of secondary/granny flats.

Related files: PL 20-168 Wetland Delineation, PL 21-060 Concept Plan, PL21-099 Preliminary Plat

Review and Discussion Items

Staff finds:

- 1) This 20-acre tract of land was previously a farm with a dwelling and has never been subdivided. The plat shows a subdivision with 4 building lots, an outlot for storm water treatment and wetland preservation, land dedicated along the north, south, and west perimeter to complete previously dedicated streets as well as a new interior street called Herzog Ct. The applicant has recently decided that the name of the new interior street should be Eischen Ct.
- 2) The Planning Commission’s approval of the Preliminary Plat was conditioned on these items:
 1. The applicant provide any additional space needed for Stanford Ave. and Herzog Ct. cul du sac as required by City and County Engineers.
 2. The applicant enter into a development agreement addressing terms as identified by City staff that is approved by City Council before the Final Plat is recorded.
 3. The alignment of the utility easement extending southeast from the end of Herzog Ct. be adjusted to ease installation of utilities.
 4. Prior to tree removal and site grading, the applicant provide photographic evidence to the Land Use Supervisor to verify that construction fence was installed around wetlands to be preserved.
 5. Final drainage and utility easements shall be established prior to consideration of the final plat.

6. Prior to tree removal activities on Lots 1, 2, and 3, Block 2, the Land Use Supervisor approve the tree replacement plan and that trees to be preserved be fenced, including the area of the tree's dripline.
- 3) Below is staff's response on the satisfaction of the preliminary plat conditions listed above:
 1. No additional space is needed for streets in the plat after review by City and County Engineers.
 2. A development agreement addressing all needed terms has been created with City and applicant input and will be reviewed for approval by City Council September 13.
 3. It was determined by City Engineering that no adjustments are needed to the position of the utility easement extending southeast from Herzog Ct. (to be Eischen Ct.).
 4. Tree preservation will be required as part of a site plan review and is called out in the development agreement.
 5. Drainage and utility easements in the plat have been reviewed and approved by City Engineering staff.
 6. A tree replacement plan will be required for development of each lot and as a condition of the development agreement.
 - 4) Staff finds that, other than the item listed below, the final plat conforms to the requirements of Sec 50-37.5. and is consistent with all applicable requirements of MSA 462.358 and Chapter 505.
 - 5) The City Engineer commented that the process for dedication of the pedestrian and utility easement extending southeast from Herzog Ct. (to be Eischen Ct.) may need to be different than shown on easement documents and as shown on the face of the plat. These changes would result in minor wording changes that City staff can evaluate prior to recording of the plat and this is, therefore, recommended to be a condition met before the Land Use Supervisor signs the plat.
 - 6) No citizen or City comments have been received to date.

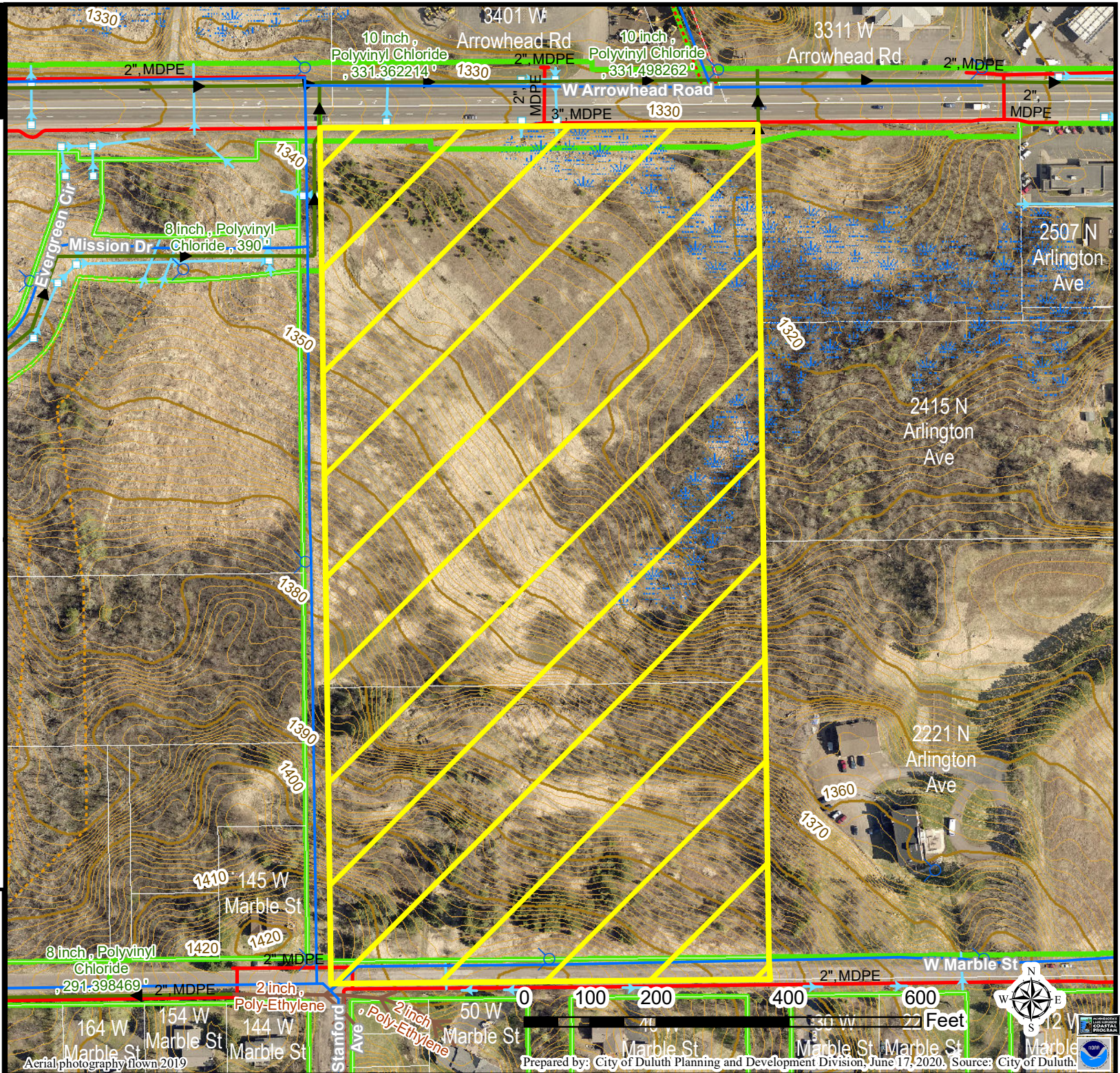
Staff Recommendation

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

1. The Land Use Supervisor shall not sign the plat document until the City Council has approved a development agreement with the developer addressing all terms and conditions identified by the City.
2. The Land Use Supervisor shall not sign the plat document until the applicant adjust the plat and related easement documents to meet the City's requirements related to the pedestrian and utility easements extending southeast from Herzog Ct. (to be Eischen Ct.).
3. 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 review; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



PL21-150
Final Plat
Arrowhead Acres
Unique Opportunities
LLC



Legend

- Gas Main
- Water Main
- Hydrant

Sanitary Sewer Mains

- CITY OF DULUTH
- WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station

Storm Sewer Mains

- Storm Sewer Pipe
- Storm Sewer Catch Basin
- 1 Ft contour
- 10 Ft contour
- Road or Alley ROW

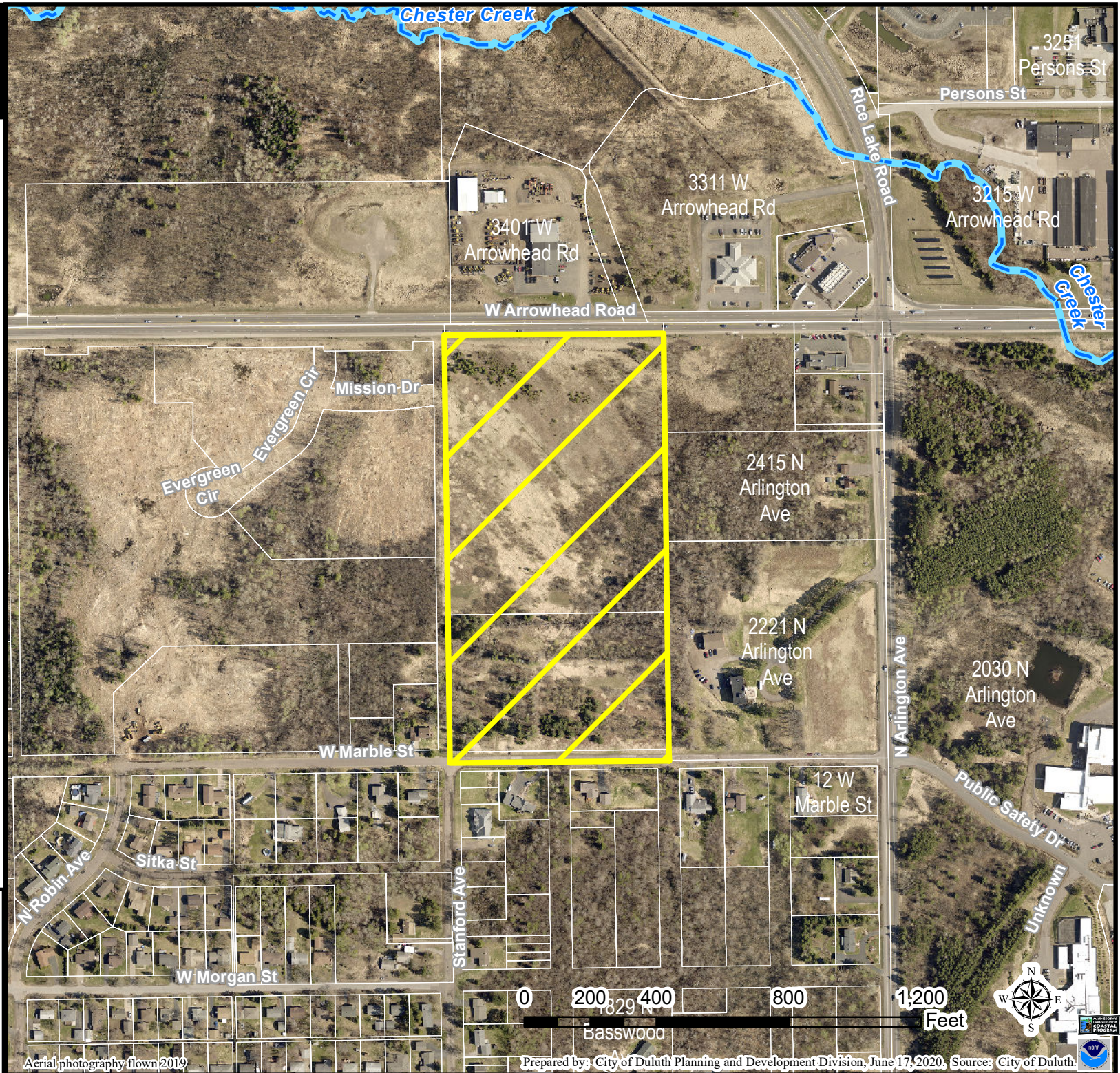
Easement Type

- Utility Easement
- Other Easement
- Trout Stream (GPS)
- Other Stream (GPS)
- Wetlands (NRRI)

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.



PL21-150
Final Plat
Arrowhead Acres
Unique Opportunities LLC



Legend

- Trout Stream (GPS)
- Other Stream (GPS)

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Aerial photography flown 2019

Prepared by: City of Duluth Planning and Development Division, June 17, 2020. Source: City of Duluth.

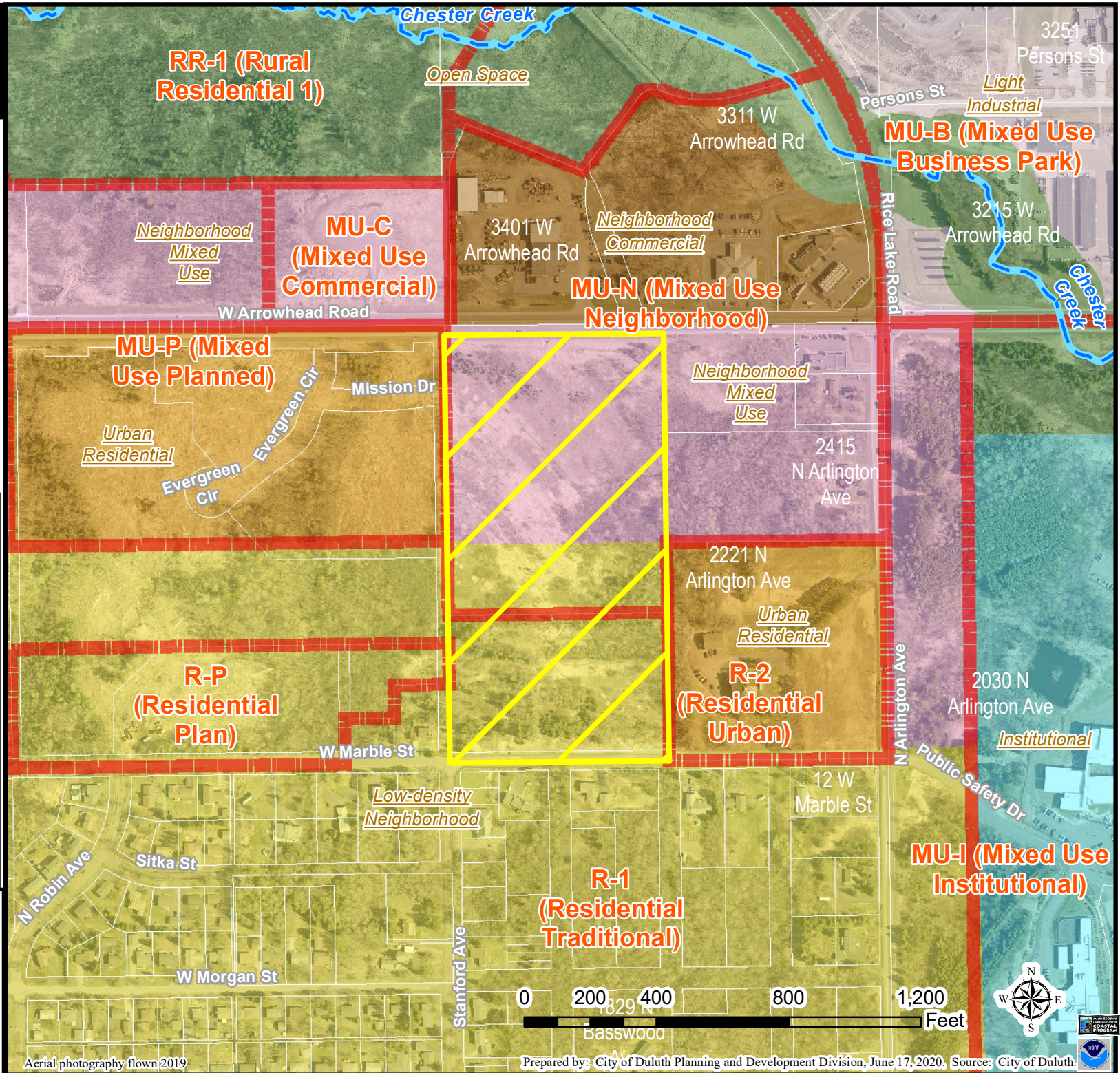




Legend

- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)
- Open Space
- Open Space/Outside Duluth
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Central Business Secondary
- Central Business Primary
- Large-scale commercial
- Tourism/Entertainment District
- Commercial Waterfront
- General Mixed Use
- Neighborhood Mixed Use
- Light Industrial
- General Industrial
- Industrial Waterfront
- Business Park
- Transportation and Utilities
- Transportation and Utilities/Outside Duluth
- Medical District
- Institutional

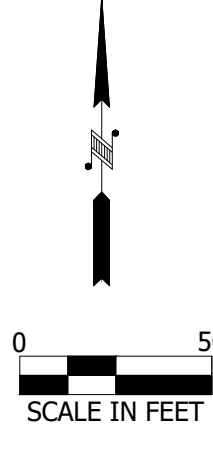
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WEST ARROWHEAD ROAD (C.S.A.H. NO. 32)

NE CORNER OF SEC. 17,
TWP. 50N, RGE. 14W
PER DOC. 1243225

N 1/4 CORNER OF SEC.
17, TWP. 50N, RGE.
14W PER DOC. 1353573



MISSION DRIVE

- SURVEYOR'S NOTES**
- THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
 - BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996 (NAD 83 2011).
 - NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY ALTA LAND SURVEY COMPANY. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA LAND SURVEY COMPANY OR THE SURVEYOR. BENCHMARK SHOWN ON SURVEY.
 - TREE LOCATIONS AND NUMBER DESIGNATORS SHOWN HEREON PROVIDED BY SAS ASSOCIATES.

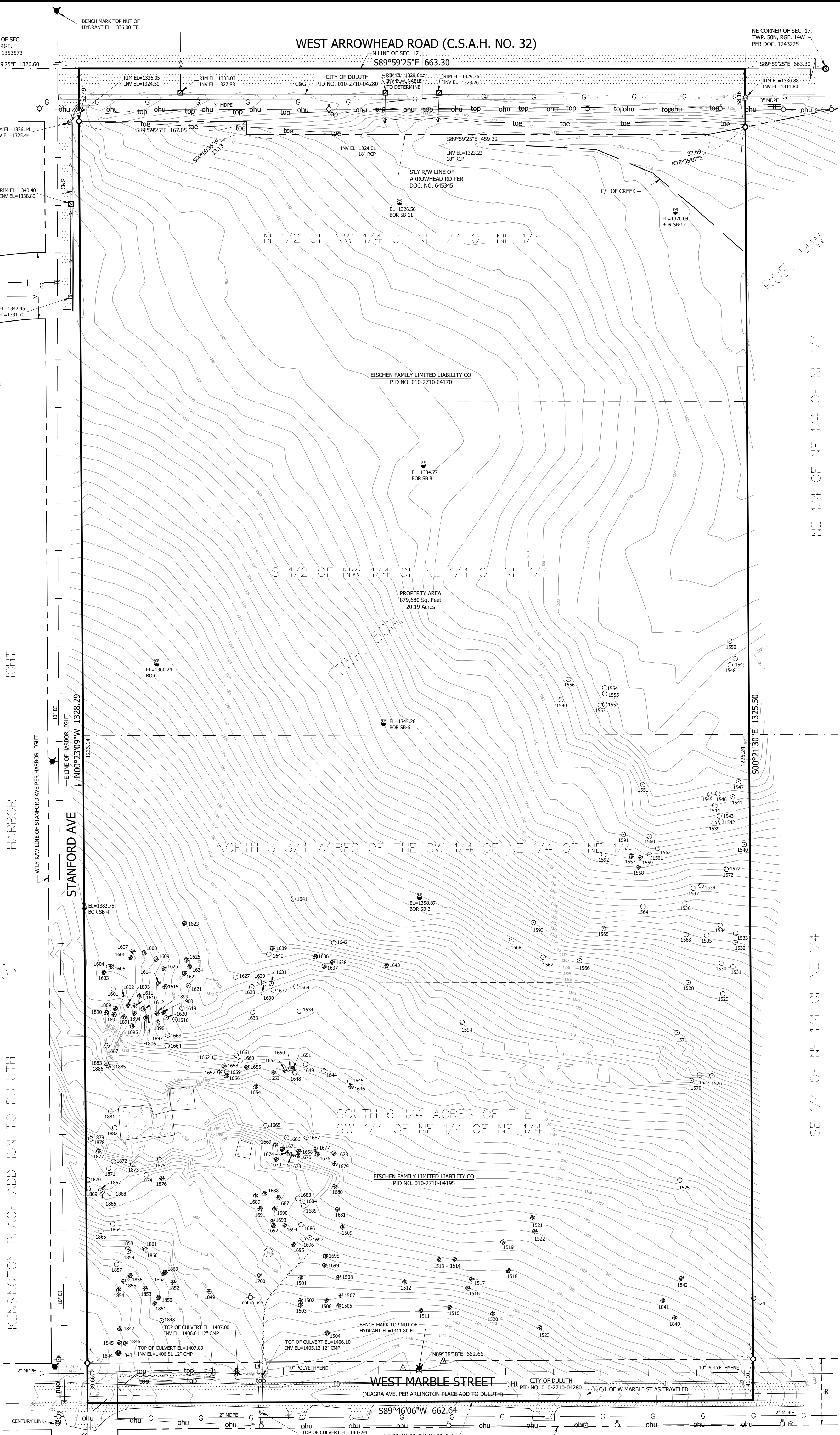
- UNDERGROUND UTILITIES**
- UTILITIES SHOWN HEREON, HAVE BEEN PREPARED, IN PART, ON THE BASIS OF INFORMATION COMPILED AND FURNISHED BY OTHERS. THE SURVEYOR, ENGINEER AND ARCHITECT WILL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS WHICH HAVE BEEN INCORPORATED INTO THIS DOCUMENT AS A RESULT.
 - UNDERGROUND UTILITIES SHOWN ON THE SURVEY ARE BASED IN PART ON MARKINGS PROVIDED BY GOMPER STATE ONE CALL TICKET NUMBER 203001655.
 - SOME UTILITIES SHOWN ON THIS SURVEY HAVE BEEN LOCATED BY MAPS AND OR UTILITY SKETCHES PROVIDED BY UTILITY COMPANIES, CITY OR COUNTY GIS. LOCATIONS ARE APPROXIMATE.
 - UTILITIES SHOWN ON THIS SURVEY ARE SHOWN FOR APPROXIMATE LOCATION ONLY AND SHOULD BE VERIFIED BEFORE ANY EXCAVATION OR CONSTRUCTION.
 - PRIVATE UTILITIES MAY EXIST BUT ARE NOT SHOWN ON THIS SURVEY. CONTACT A PRIVATE UTILITY LOCATOR FOR LOCATIONS.
 - FIELD VERIFY SANITARY AND STORM SEWER PIPE SIZE AND LOCATION.
 - DUE TO SNOW AND ICE COVERAGE, SOME UTILITIES MAY NOT HAVE BEEN VISIBLE DURING THE COURSE OF THIS SURVEY.

LEGAL DESCRIPTION PER DOC. NO. 655460
Northerly three and three-quarters acres of the Southwest Quarter of Northeast Quarter of Northeast Quarter (SW 1/4 of NE 1/4 of NE 1/4) of SECTION Seventeen (17), TOWNSHIP Fifty (50) North, RANGE Fourteen (14) West of the Fourth Principal Meridian, according to the United States Government Survey thereof, EXCEPT a tract of land twenty (20) foot square in the northeast corner of said three and three-quarters acres.

AND: South Half of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (S 1/2 of NW 1/4 of NE 1/4 of NE 1/4) also a tract of land twenty (20) foot square in the northeast corner of the Southwest Quarter of the Northeast Quarter of the Northeast Quarter (SW 1/4 of NE 1/4 of NE 1/4) of SECTION Seventeen (17), TOWNSHIP Fifty (50) North, RANGE Fourteen (14) West of the Fourth Principal Meridian, according to the United States Government Survey thereof.

AND: The North Half of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (N 1/2 of NW 1/4 of NE 1/4 of NE 1/4) in SECTION Seventeen (17), TOWNSHIP Fifty (50) North, RANGE Fourteen (14) West of the Fourth Principal Meridian, according to the United States Government Survey thereof.

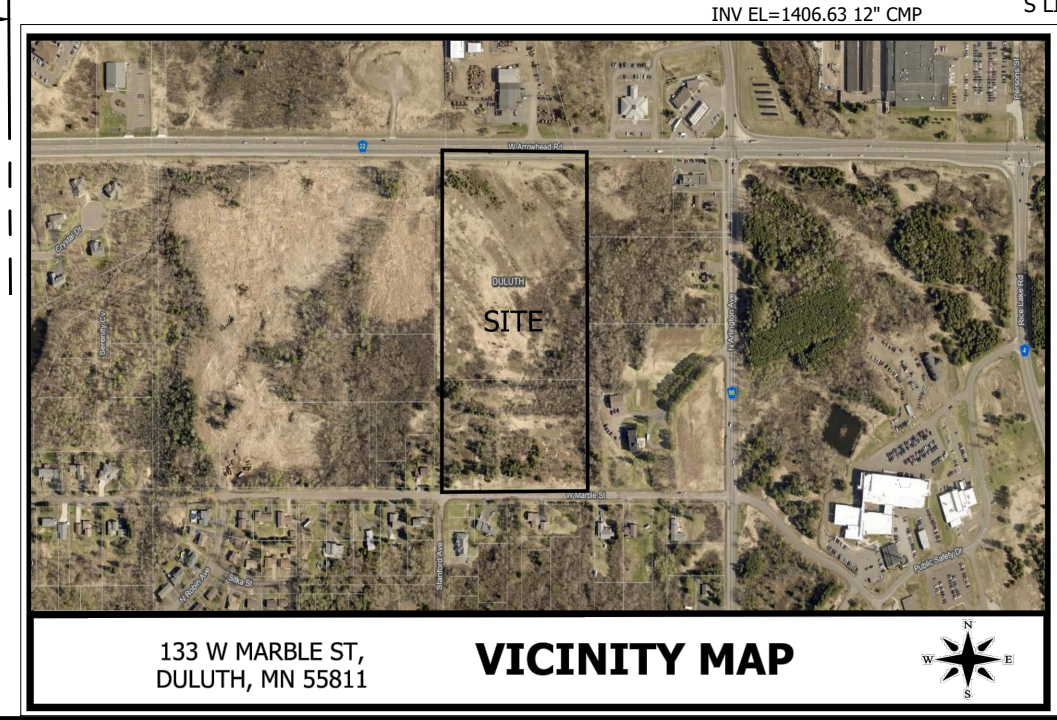
South six and one-quarter (6 1/4) acres of the Southwest Quarter of the Northeast Quarter of the Northeast Quarter (SW 1/4 of NE 1/4 of NE 1/4), Section Seventeen (17), Township Fifty (50), Range Fourteen (14).



HARBOR LIGHT

KENSINGTON PLACE ADDITION TO DULUTH

STANFORD AVE



LEGEND

	CONCRETE SURFACE		TOE OF BANK OR GRADE BREAK		HYDRANT
	BITUMINOUS SURFACE		TOP OF BANK OR GRADE BREAK		WATER VALVE
	R/W-RIGHT OF WAY		UTILITY POLE		TELECOM PEDESTAL
	C/L-CENTER LINE		LIGHT POLE		UTILITY VAULT
	C&G-CONCRETE CURB & GUTTER		OVERHEAD UTILITIES		LIGHT POLE
			SANITARY SEWER		SOIL BORING
			STORM SEWER		SIGN
			WATER MAIN		CONFIFEROUS TREE
			DITCH/SWALE		DECIDUOUS TREE
			SECTION SUBDIVISION LINE		
			CENTER LINE		
			RIGHT OF WAY LINE		
			BOUNDARY LINE AS SURVEYED		
			CONTROL POINT		FOUND IRON ROD
			ALUM CAPPED MONUMENT		SET CAPPED REBAR RLS. NO. 49505
			ELEC METER		GUY ANCHOR
			MISC MANHOLE		UTILITY POLE
			SANITARY MANHOLE		SQUARE MANHOLE
			SQUARE GRATE CATCH BASIN		CULVERT

BOUNDARY & TOPOGRAPHIC SURVEY

CLIENT: SAMUEL HERZOG
 ADDRESS: 133 W MARBLE ST, DULUTH, MN 55811
 DATE: 11-30-2020

REVISIONS:

1. I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

David R. Evans
 David R. Evans
 M.L.S. No. 49505

ALTA LAND SURVEY COMPANY
 PHONE: 218-727-2111
 LICENSED IN MN & WI
 WWW.ALTLANDSURVEY.COM

SAM HERZOG'S ARROWHEAD ACRES

LOCATED IN PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 50 NORTH, RANGE 14 WEST OF THE FOURTH PRINCIPAL MERIDIAN, ST. LOUIS COUNTY, MINNESOTA

KNOW ALL PERSONS BY THESE PRESENTS: That Eischen Family Limited Liability Company, a Minnesota Limited Liability Company under the laws of the State of Minnesota, owner of the following described property:

Northerly three and three-quarters acres of SW 1/4 of NE 1/4 of SECTION 17, TOWNSHIP 50 North, RANGE 14 West of the Fourth Principal Meridian EXCEPT a tract of land 20 feet square in the northeast corner of said three and three-quarters acres.

S 1/2 of NW 1/4 of NE 1/4 of NE 1/4; also a tract of land 20 feet square in the northeast corner of the SW 1/4 of NE 1/4 of SECTION 17, TOWNSHIP 50 North, RANGE 14 West of the Fourth Principal Meridian.

The N 1/2 of NW 1/4 of NE 1/4 of NE 1/4 in SECTION 17, TOWNSHIP 50 North, RANGE 14 West of the Fourth Principal Meridian.

(TORRENS PROPERTY)

AND

South six and one-quarter (6 1/4) acres of the Southwest Quarter of the Northeast Quarter of the Northeast Quarter (SW 1/4 of NE 1/4 of NE 1/4), Section Seventeen (17), Township Fifty (50), Range Fourteen (14). (ABSTRACT PROPERTY)

AND

All that part of the Southwest Quarter of the Northeast Quarter of the Northeast Quarter of Section 17, Township 50 North, Range 14 West of the Fourth Principal Meridian, St. Louis County, Minnesota described as follows:

Commencing at the North Quarter corner of said Section 17; thence on an assumed bearing of South 89 degrees 59 minutes 25 seconds East, along the North line of the Northeast Quarter of said Section 17 for a distance of 1326.60 feet to the West line of the Northeast Quarter of the Northeast Quarter of said Section 17; thence South 00 degrees 23 minutes 09 seconds East, along said West line 910.76 feet to the South line of the North 3 and 3/4 acres of the Southwest Quarter of said Northeast Quarter of the Northeast Quarter, said point being the point of beginning of the parcel herein described; thence North 89 degrees 53 minutes 21 seconds East, along said South line 662.85 feet to the East line of said Southwest Quarter of the Northeast Quarter of the Northeast Quarter; thence South 00 degrees 21 minutes 30 seconds East, along said East line 5.54 feet to the North line of the South 6 and 1/4 acres of said Southwest Quarter of the Northeast Quarter of the Northeast Quarter; thence South 89 degrees 46 minutes 06 seconds West, along said North line 662.84 feet to the West line of said Southwest Quarter of the Northeast Quarter of the Northeast Quarter; thence North 00 degrees 23 minutes 09 seconds West, along said West line 6.93 feet to the point of beginning. (ABSTRACT PROPERTY)

Has caused the same to be surveyed and platted as SAM HERZOG'S ARROWHEAD ACRES and does hereby dedicate to the public for public use the public way(s) and/or the drainage and utility easement(s) as created by this plat.

In witness whereof said Eischen Family Limited Liability Company, a Minnesota Limited Liability Company under the laws of the State of Minnesota, has caused these presents to be signed by its proper officers this ____ day of _____, 2021.

Signed: Eischen Family Limited Liability Company

Theresa Johnston, Trustee

STATE OF MINNESOTA
COUNTY OF ST LOUIS

This instrument was acknowledged before me on this ____ day of _____, 2021 by Theresa Johnston, Trustee, of Eischen Family Limited Liability Company under the laws of the State of Minnesota, on behalf of the Company.

Notary Public, _____ County, Minnesota
My Commission Expires _____

I, David R. Evanson, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this ____ day of _____, 2021.

David R. Evanson, Licensed Land Surveyor
Minnesota License Number 49505

STATE OF MINNESOTA
COUNTY OF ST. LOUIS

The foregoing Surveyor's Certificate was acknowledged before me this ____ day of _____, 2021 by David R. Evanson, Minnesota License Number 49505.

Notary Public, St. Louis County, Minnesota
My Commission Expires _____

CITY OF DULUTH PLANNING COMMISSION
Approved by the Planning Commission of the City of Duluth, St. Louis County, Minnesota, at a regular meeting thereof, on the ____ day of _____, 2021.

President, Duluth City Planning Commission

Executive Secretary, Duluth City Planning Commission

ST. LOUIS COUNTY SURVEYOR
I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this ____ day of _____, 2021.

Nick C. Stewart
County Surveyor

Deputy

ST. LOUIS COUNTY AUDITOR
Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, and to Minnesota Statutes, Section 272.12, taxes payable in the year 20__ on the land hereinbefore described have been paid; there are no delinquent taxes and transfer entered this ____ day of _____, 2021.

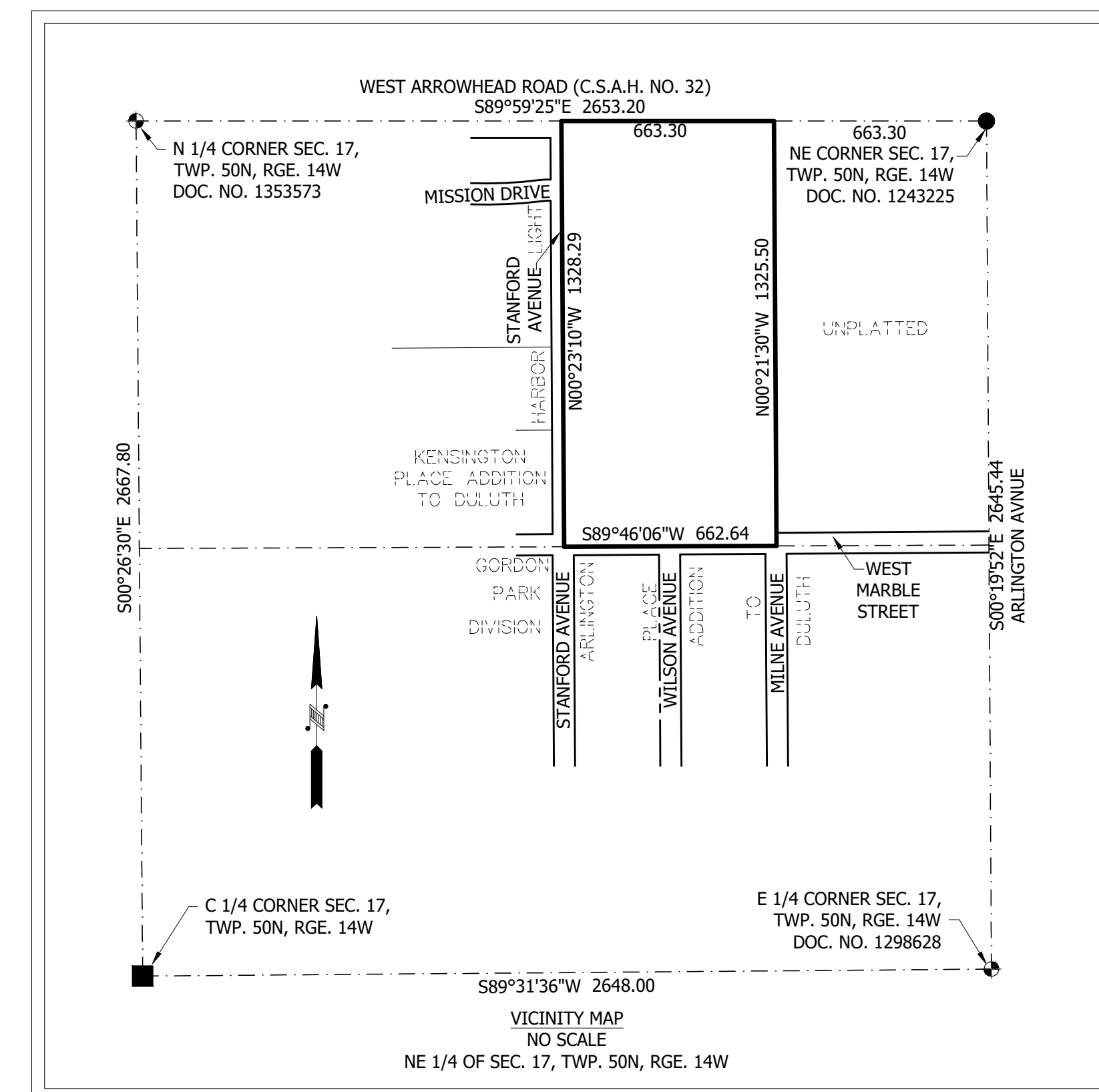
Nancy Nilsen
County Auditor

Deputy

ST. LOUIS COUNTY REGISTRAR OF TITLES
I hereby certify that this plat of SAM HERZOG'S ARROWHEAD ACRES was filed in this office of the Registrar of Titles for public record on this ____ day of _____, 2021, at ____ o'clock ____ M., as Document No. _____ affecting Certificate(s) of Title No. 278876.

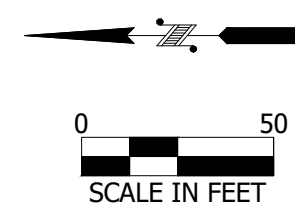
Wendy Levitt
Register of Titles

Deputy

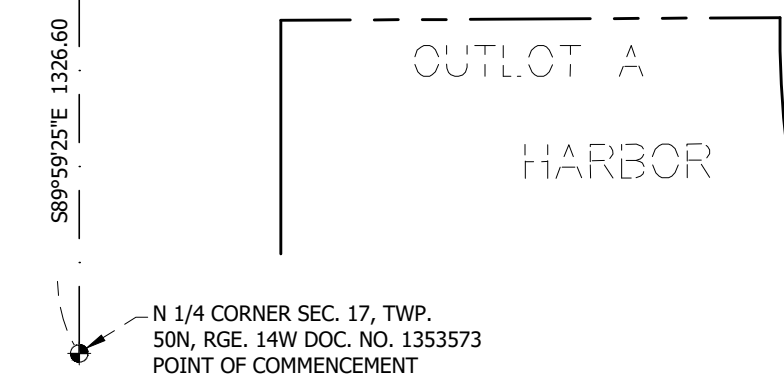
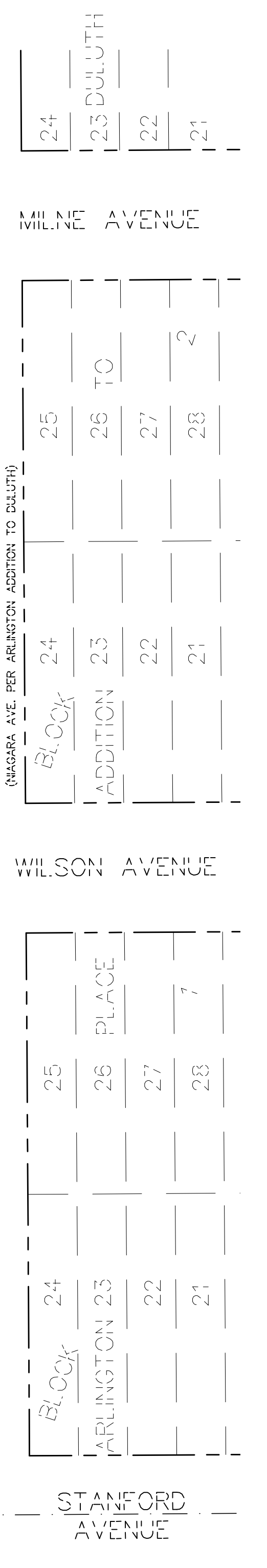
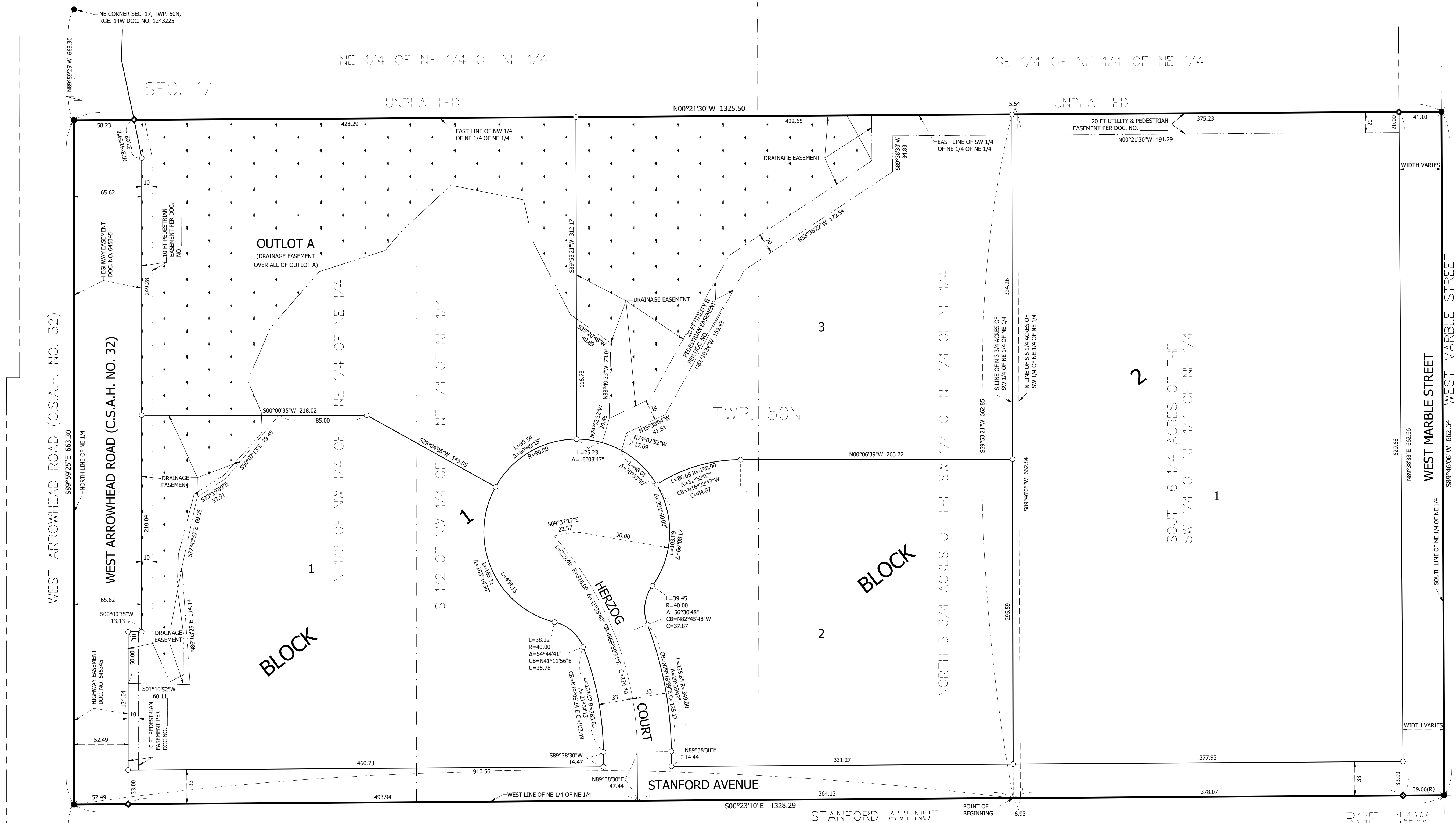


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LOCATED IN PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 50 NORTH, RANGE 14 WEST OF THE FOURTH PRINCIPAL MERIDIAN, ST. LOUIS COUNTY, MINNESOTA



SURVEYOR'S NOTES
BEARINGS ARE BASED ON THE NORTH LINE OF THE NE 1/4 OF SEC. 17, TWP. 50N, RGE. 14W, WHICH IS SAID TO HAVE A BEARING OF S89°59'25"E.



LEGEND

	WETLAND LINE		FOUND ALUMINUM CAPPED MONUMENT
	SECTION SUBDIVISION LINE		FOUND IRON PIN
	CENTER LINE		FOUND CAPPED REBAR RLS. NO. 49505
	RIGHT OF WAY LINE		FOUND CONCRETE SURVEY MONUMENT
	PROPOSED EASEMENT LINE		FOUND SANDSTONE MONUMENT
	SURVEY LINE		SET MAG NAIL
	PLAT BOUNDARY LINE		SET CAPPED REBAR RLS. NO. 49505
	EXISTING PLAT LINE		WET LANDS
	LOT LINE		