



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 22-140	Contact	John Kelley
Type	Final Plat	Planning Commission Date	September 13, 2022
Deadline for Action	Application Date	August 9, 2022	60 Days
	Date Extension Letter Mailed	August 23, 2022	120 Days
Location of Subject		SLY 433 FT OF S1/2 OF SE1/4 LYING W OF A LINE COMM ON S LINE 1308.11 FT WLY OF SE COR THENCE RUNNING N 0 DEG 9' 52"W 433 FT EX WLY 66 FT (Duluth Heights)	
Applicant	Force 1, LLC	Contact	
Agent	Robert R. Kanuit	Contact	
Legal Description	See attached		
Site Visit Date	September 2, 2022	Sign Notice Date	August 30, 2022
Neighbor Letter Date	August 31, 2022	Number of Letters Sent	12

Proposal

Applicant is proposing to subdivide 12 acres of unplatte land into the Force 1 Commercial Development plat consisting of 3 building lots.

Staff recommends approval, with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-2 and MU-C	Vacant/Undeveloped	Neighborhood Mixed Use
North	RR-1	Vacant/Undeveloped	Open Space
South	MU-P	Mixed Use Planned Development	Urban Residential
East	MU-N	Commercial	Neighborhood Commercial
West	R-2	Church	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):

- Is consistent with all applicable requirements of MSA 462.358 and Chapter 505;
- Is consistent with the terms and provisions of the preliminary plat approval for the property;
- 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 #5 – Promote reinvestment in neighborhoods. New development should strengthen commercial centers or diversify residential opportunities. This project creates commercial development along a main traffic corridor in the Duluth Heights neighborhood. The development is located across the road from a mixed use planned development that will include commercial and multi-family residential development. The project is sited adjacent to existing transportation and utility infrastructure.

Governing Principle #8 – Encourage a mix of activities, uses, and densities. This project provides commercial uses in proximity to multi-family and single-family housing along a main transportation corridor.

Governing Principle #12- Create efficiencies in delivery of public services. This project will require minimal extension of utility infrastructure while utilizing existing transportation, public safety, and other City services. This allows the City to serve more residents on existing infrastructure which reduces the overall cost to all of the City's landowners.

Zoning:

Residential-Urban (R-2): Multi-family apartments and townhouses, in an urban setting as well as single-family detached dwellings, duplexes and group living accommodations. Intended primarily for locations closer to commercial and mixed-use activity centers, and may serve as a transition between lower-density residential areas and more intense commercial and mixed use neighborhoods.

Mixed-Use Commercial (MU-C): The MU-C district is established to provide for community and regional commercial development along commercial corridors and nodal centers. Intended non-residential uses include retail, lodging, service, and recreational facilities needed to support the community and region

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.

Related files:

PL 22-096 Concept Plan. Approved by Land Use Supervisor on 6/16/22.

PL 22-103 Preliminary Plat. Approved by Planning Commission on 7/12/2022.

Review and Discussion Items

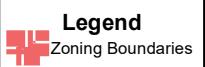
Staff finds:

- 1) The proposal is to subdivide 12 acres of unplatte land into the Force 1 Commercial Development plat consisting of 3 building lots. The site is currently vacant land. The lots as shown in the preliminary plat can accommodate reasonably-scaled commercial development.
- 2) Lot 1 (6.4 acres), zoned R-2 (Residential-Urban), is proposed to be developed in a later phase. Lots 2 and 3 are intended for commercial uses and will require a MU-C Planning Review per the UDC.
- 3) The Planning Commission's approval of the Preliminary Plat was conditioned on these items:
 - a. Applicant shall submit a financial security in the form of a cash escrow or Letter of Credit in the amount of 33% of the installed value of the traffic signal at Stanford Avenue and West Arrowhead Road.
 - b. A tree inventory and tree replacement plan be approved for Lot 1 prior to any site development activity including the issuance of a grading and soil erosion permit.
 - c. That a wetland delineation and mitigation plan be approved prior to final plat approval.
 - d. That public utility easements be shown on the final plat for all public water and sewer mains for all lots.
- 4) Below is staff's response on the satisfaction of the preliminary plat conditions listed above:
 - a. The applicant will not need to provide a financial security for the traffic signal. St. Louis County has stated that they will commit to funding 75 percent of the cost (covers the east, west and north legs) and the City of Duluth, by agreement, will commit to funding 25 percent of the cost (covers the south leg). Maintenance of this traffic signal system would be shared between St. Louis County and the City of Duluth.
 - b. A tree inventory and tree replacement plan be approved for Lot 1 prior to any site development activity including the issuance of a grading and soil erosion permit. This can be reviewed and approved at the time of building permit submittal.
 - c. The wetland delineation and mitigation plans were approved by the Technical Evaluation Panel.
 - d. There will be no public water or sewer line easements.
- 5) Staff finds that, other than the items addressed above, 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.
- 6) No City, citizen or other agency 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 final plat must be recorded in the office of the County Recorder as provided in MSA 505.4 and that such recording be completed within 2 years of the approval of the plat.
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 review; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



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.

Aerial photography flown 2016

Prepared by: City of Duluth Community Planning Division, May 3, 2019. Source: City of Duluth.



ALTA/NSPS TABLE A

OPTIONAL SURVEY RESPONSIBILITIES AND SPECIFICATIONS REQUESTED BY CLIENT, LENDER OR INSURER

1. Monuments placed (or a reference monument or witness to the corner) at all major corners of the boundary of the surveyed property, unless already marked or referenced by existing monuments or witnesses in close proximity to the corner. **NO REQUEST ON THIS SURVEY.**
2. Address(es) of the surveyed property if disclosed in documents provided to or obtained by the surveyor, or observed while conducting the fieldwork. **NO REQUEST ON THIS SURVEY.**
3. Flood zone classification (with proper annotation based on federal Flood Insurance Rate Maps or the state or local equivalent) depicted by scaled map location and graphic plotting only. **NO REQUEST ON THIS SURVEY.**
4. Gross land area (and other areas if specified by the client). **554,614 Sq. Feet or 12.73 Acres.**
5. Vertical relief with the source of information (e.g., ground survey, aerial map), contour interval, datum, and originating benchmark identified when appropriate. **NO REQUEST ON THIS SURVEY.**
6. (a) If the current zoning classification, setback requirements, the height and floor space area restriction, and parking requirements specific to the surveyed property are set forth in a zoning report or letter provided to the surveyor by the client or the client's designated representative, list the above items on the plat or map and identify the date and source of the report or letter. **NO REQUEST ON THIS SURVEY.**
(b) If the zoning setback requirements specific to the surveyed property are set forth in a zoning report or letter provided to the surveyor by the client or the client's designated representative, and if those requirements do not require an interpretation by the surveyor, graphically depict the building setback requirements on the plat or map. Identify the date and source of the report or letter. **NO REQUEST ON THIS SURVEY.**
7. (a) Exterior dimensions of all buildings at ground level. **NO REQUEST ON THIS SURVEY.**
(b) Square footage of:
(1) exterior footprint of all buildings at ground level. **NO REQUEST ON THIS SURVEY.**
(2) other areas as specified by the client. **NO REQUEST ON THIS SURVEY.**
(c) Measured height of all buildings above grade at a location specified by the client. If no location is specified, the point of measurement shall be identified. **NO REQUEST ON THIS SURVEY.**
8. Substantial features observed in the process of conducting the fieldwork (in addition to the improvements and features required pursuant to Section 5 above) (e.g., parking lots, billboards, signs, swimming pools, landscaped areas, substantial areas of refuse). **NO REQUEST ON THIS SURVEY.**
9. Number and type (e.g., disabled, motorcycle, regular and other marked specialized types) of clearly identifiable parking spaces on surface parking areas, lots and in parking structures. Striping of clearly identifiable parking spaces on surface parking areas and lots. **NO REQUEST ON THIS SURVEY.**
10. (a) As designated by the client, a determination of the relationship and location of certain division or party walls with respect to adjoining properties. **NO REQUEST ON THIS SURVEY.**
11. Evidence of underground utilities existing on or serving the surveyed property (in addition to the observed evidence of utilities required pursuant to Section 5.E.iv.) as determined by:
(a) plans and/or reports provided by client (with reference as to the sources of information). **NO REQUEST ON THIS SURVEY.**
(b) markings coordinated by the surveyor pursuant to a private utility locate request. **NO REQUEST ON THIS SURVEY.**
12. As specified by the client, Governmental Agency survey-related requirements (e.g., HUD surveys, surveys for leases on Bureau of Land Management managed lands). The relevant survey requirements are to be provided by the client or client's designated representative. **NO REQUEST ON THIS SURVEY.**
13. Names of adjoining owners according to current tax records. If more than one owner, identify the first owner's name listed in the tax records followed by "et al." **SHOWN HEREON.**
14. As specified by the client, distance to the nearest intersecting street. **NO REQUEST ON THIS SURVEY.**
15. Rectified orthophotography, photogrammetric mapping, remote sensing, airborne/mobile laser scanning and other similar products, tools or technologies as the basis for showing the location of certain features (excluding boundaries) where ground measurements are not otherwise necessary to locate those features to an appropriate and acceptable accuracy relative to nearby boundary. The surveyor must (a) discuss the ramifications of such methodologies (e.g., the potential precision and completeness of the data gathered thereby) with the insurer, lender, and client prior to the performance of the survey, and (b) place a note on the face of the survey explaining the source, date, precision, and other relevant qualifications of any such data. **NO REQUEST ON THIS SURVEY.**
16. Evidence of recent earth moving work, building construction, or building additions observed in the process of conducting the fieldwork. **NO REQUEST ON THIS SURVEY.**
17. Proposed changes in street right of way lines, if such information is made available to the surveyor by the controlling jurisdiction. Evidence of recent street or sidewalk construction or repairs observed in the process of conducting the fieldwork. **NO REQUEST ON THIS SURVEY.**
18. Pursuant to Section 5 and 6 (and applicable selected Table A items, excluding Table A item 1), include as part of the survey and plottable offsite (i.e., appurtenant) easements disclosed in documents provided to or obtained by the surveyor. **NO REQUEST ON THIS SURVEY.**
19. Professional Liability Insurance policy obtained by the surveyor in the minimum amount of \$____ to be in effect throughout the contract term. Certificate of Insurance to be furnished upon request, but this item shall not be addressed on the face of the plat or map. **NO REQUEST ON THIS SURVEY.**
20. **NO REQUEST ON THIS SURVEY.**

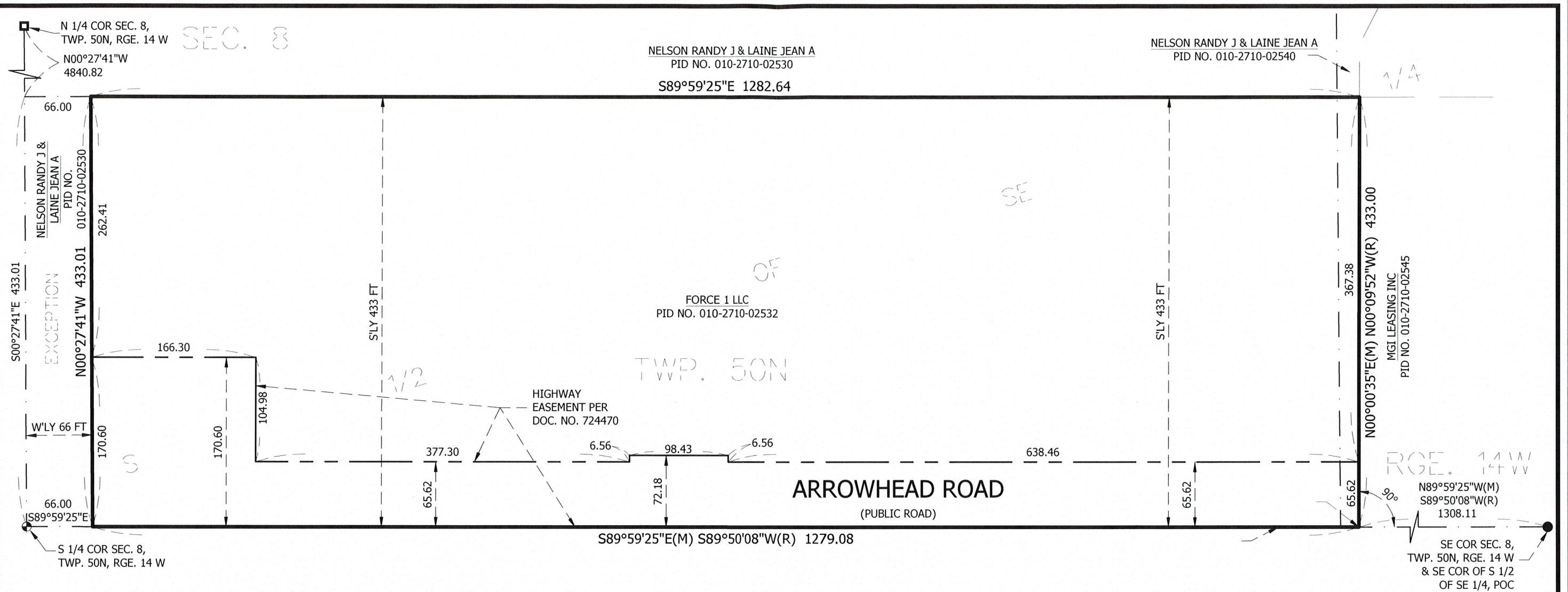
SCHEDULE B EXCEPTIONS PER TITLE COMMITMENT NO. 1613874

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records, or attaching subsequent to the Commitment Date but prior to the date the Proposed Insured acquires for value the Title or Mortgage covered by this Commitment. **NONE KNOWN OR PROVIDED.**
2. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. **ITEM 8 OF TABLE WAS NOT REQUIRED ON THIS SURVEY. NO IMPROVEMENTS LOCATED DURING SURVEY.**
3. Rights or claims of parties in possession not shown by the Public Records. **NONE KNOWN OR PROVIDED.**
4. Easements, or claims of easement, not shown by the Public Records. **NONE KNOWN OR PROVIDED.**
5. Any lien, or right to lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records. **DOES NOT AFFECT SURVEY.**
6. All assessments and taxes due and payable in 2022, and thereafter. **DOES NOT AFFECT SURVEY.**
7. Tenancy rights, either as month to month, or by virtue of written leases of persons in possession of any part of the subject property. **DOES NOT AFFECT SURVEY.**
8. The terms and provisions contained in the document entitled "Duluth International Airport Zoning Ordinance" recorded October 15, 2021 as Document No. **01427462** of Official Records. The above document has been amended by Document Number(s) **01432556. AFFECTS PROPERTY. BLANKET IN NATURE. NOT PLOTTABLE.**
9. An easement for highway purposes in the document recorded August 19, 1998 as Document No. **0724470** of Official Records. **SHOWN HEREON.**
10. Any interest outstanding of record in and to all the oil, gas and other minerals in and under and that may be produced from said premises, together with all rights incident to or growing out of said outstanding minerals, including but not limited to outstanding oil and gas leases and easements. **AFFECTS PROPERTY. DOES NOT AFFECT SURVEY.**
11. Rights of the public in and to that portion of the land lying within West Arrowhead Road. **ARROWHEAD ROAD SHOWN HEREON.**
12. Water rights, claims or title to water, whether or not shown by the public records. **NONE KNOWN OR PROVIDED.**
13. Rights of the United States of America and/or the State of Minnesota, the county, the municipality, and the public, in and to that part of the land which may be within Wetlands. **NO FIELDWORK WAS DONE FOR THIS SURVEY. NO WETLAND WERE OBSERVED.**

**ALTA-NSPS LAND TITLE SURVEY**

CLIENT:TITANIUM PARTNERS	REVISIONS:
ADDRESS:VACANT PROPERTY ARROWHEAD ROAD DULUTH, MN 55811	
DATE:05-24-2022	JOB NO:22-073

ALTA
LAND SURVEY COMPANY
PHONE: 218-727-5211
LICENSED IN MN & WI
WWW.ALTLANDSURVEYDULUTH.COM



LEGAL DESCRIPTION PER TITLE COMMITMENT NO. 1613874

The Land referred to herein below is situated in the County of St. Louis, State of MN, and is described as follows:

The Southerly 433.00 feet of the South Half of the Southeast Quarter of Section 8, Township 50 North, Range 14 west of the Fourth Principal Meridian, St. Louis County, Minnesota, lying Westerly of the line described as follows: Commencing at the Southeast corner of said South Half of the Southeast Quarter; thence South 89 degrees 50 minutes 08 seconds West, assumed bearing, along the South line of said South Half of the Southeast Quarter, a distance of 1308.11 feet to the beginning of the line to be described; thence North 00 degrees 09 minutes 52 seconds West a distance of 433.00 feet and said line there terminating.

EXCEPT the Westerly 66.00 feet of the Southerly 433.00 feet of the South Half of the Southeast Quarter of said Section 8, Township 50, Range 14.

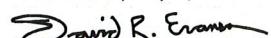
NOTE: This property is Abstract

ALTA/NSPS LAND TITLE SURVEY CERTIFICATION

To Finley Sharon Properties IV LLC, a Minnesota Limited Liability Company, J&S Partnership, LLP, a Minnesota Limited Liability Partnership and First American Title Insurance Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 4 and 13 of Table A thereof. The fieldwork was completed on **NO FIELD WORK ON THIS SURVEY**

Date of Plat or Map: May 24, 2022



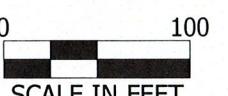
David R. Evanson, MN PLS. #49505

SURVEYOR'S NOTES

1. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
2. 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.
3. THIS SURVEY WAS PREPARED IN PART WITH TITLE COMMITMENT NO. 1613874 PROVIDED BY FIRST AMERICAN TITLE INSURANCE COMPANY DATED APRIL 19, 22 AT 8:00 AM.

LEGEND

- (M)-FIELD MEASURED DIMENSION
- (R)-RECORD DIMENSION
- POC-POINT OF COMMENCEMENT
- POB-POINT OF BEGINNING
- ALUM CAPPED MONUMENT OF RECORD
- IRON PIN OF RECORD
- SURVEY MONUMENT OF RECORD
- SECTION SUBDIVISION LINE
- RIGHT OF WAY LINE
- BOUNDARY LINE AS SURVEYED
- EXISTING PLAT LINE



ALTA-NSPS LAND TITLE SURVEY

CLIENT:TITANIUM PARTNERS	REVISIONS:
ADDRESS:VACANT PROPERTY	
ARROWHEAD ROAD DULUTH, MN 55811	

DATE:05-24-2022 JOB NO:22-073 SHEET 2 OF 2

ALTA
LAND SURVEY COMPANY

PHONE: 218-727-5211
LICENSED IN MN & WI
WWW.ALTA LAND SURVEY DULUTH.COM

FORCE 1 COMMERCIAL DEVELOPMENT

LOCATED IN PART OF SECTION 8, TOWNSHIP 50 NORTH, RANGE 14 WEST OF THE FOURTH PRINCIPAL MERIDIAN,
ST. LOUIS COUNTY, MINNESOTA

KNOW ALL PERSONS BY THESE PRESENTS: That Force 1, LLC, a Limited Liability Company under the laws of Minnesota, owner of the following described property
Certificate of Title No. 358079

The Land referred to herein below is situated in the County of St. Louis, State of MN, and is described as follows:

The Southerly 433.00 feet of the South Half of the Southeast Quarter of Section 8, Township 50 North, Range 14 west of the Fourth Principal Meridian, St. Louis County, Minnesota, lying Westerly of the line described as follows: Commencing at the Southeast corner of said South Half of the Southeast Quarter; thence South 89 degrees 50 minutes 08 seconds West, assumed bearing, along the South line of said South Half of the Southeast Quarter, a distance of 1308.11 feet to the beginning of the line to be described; thence North 00 degrees 09 minutes 52 seconds West a distance of 433.00 feet and said line there terminating.

EXCEPT the Westerly 66.00 foot of the Southerly 433.00 foot of the South Half of the Southeast Quarter of said Section 8, Township 50, Range 14.

Has caused the same to be surveyed and platted as FORCE 1 COMMERCIAL DEVELOPMENT 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 Force 1, LLC, a Limited Liability Company under the laws of Minnesota, has caused these presents to be signed by its proper officers this _____ day of _____, 2022.

Signed: Force 1, LLC

Brian Forcier, Chief Executive Officer

STATE OF MINNESOTA
COUNTY OF ST LOUIS

This instrument was acknowledged before me on this _____ day of _____, 2022 by Brian Forcier, Chief Executive Officer, of Force 1, LLC, 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 _____, 2022.

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 _____, 2022 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 _____, 2022.

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 _____, 2022.

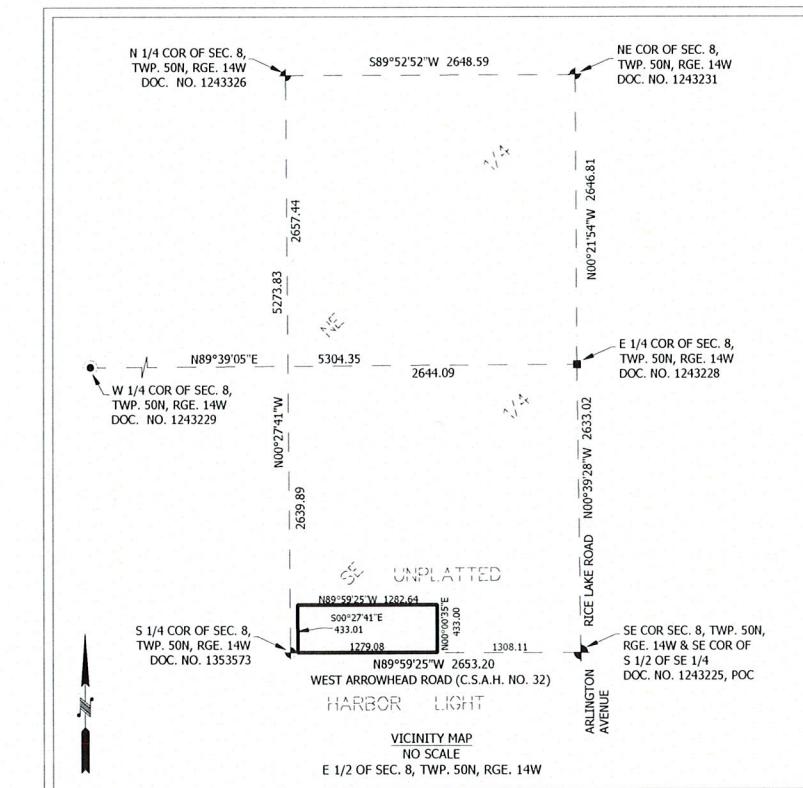
Nick C. Stewart
County Surveyor Deputy

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 _____, 2022.

Nancy Nilsen
County Auditor Deputy

ST. LOUIS COUNTY RECORDER
I hereby certify that this plat of FORCE 1 COMMERCIAL DEVELOPMENT was filed in this office of the County Recorder for public record on this _____ day of _____, 2021, at _____ o'clock _____ M., as Document No. _____.

Wendy Levitt
County Recorder Deputy



FORCE 1 COMMERCIAL DEVELOPMENT

SURVEYOR'S NOTES
BEARINGS ARE BASED ON THE SOUTH LINE OF THE SOUTH
HALF OF THE SOUTHEAST QUARTER OF SECTION 8,
TOWNSHIP 50 NORTH, RANGE 14 WEST, WHICH IS SAID TO
HAVE A BEARING OF S89°59'25"E.

LOCATED IN PART OF SECTION 8, TOWNSHIP 50 NORTH, RANGE 14 WEST OF THE FOURTH PRINCIPAL MERIDIAN,
ST. LOUIS COUNTY, MINNESOTA

