



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 20-099	Contact	Kyle Deming	
Type	Final Plat	Planning Commission Date		July 14, 2020
Deadline for Action	Application Date	June 25, 2020	60 Days	August 24, 2020
	Date Extension Letter Mailed	July 2, 2020	120 Days	October 23, 2020
Location of Subject		Northeast corner of Haines Road and Arrowhead Road		
Applicant	Costco Wholesale	Contact	Thedore R. Johnson, TJ Design Strategies	
Agent		Contact		
Legal Description		See attached		
Site Visit Date		October 30, 2019	Sign Notice Date	NA
Neighbor Letter Date		NA	Number of Letters Sent	NA

Proposal

Final plat of 56 acres of land into three lots ranging from 6.3 acres to 28.6 acres into "Kirkland Addition."

Staff recommends approval with conditions.

	<i>Current Zoning</i>	<i>Existing Land Use</i>	<i>Future Land Use Map Designation</i>
Subject	MU-B	Vacant/undeveloped/church	Business Park/Open Space/Institutional
North	RR-1	County Jail	Institutional
South	MU-B/MU-C/RR-1	Vehicle sales/church/vacant	Central Business Secondary/Open Space
East	RR-1	Vacant/stream/home	Open Space
West	Hermantown	Vehicle sales/office/warehouse	Hermantown

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 #1 - Reuse previously developed lands,
Principle #2 - Declare the necessity and secure the future of undeveloped places,
Principle #7 - Create and maintain connectivity,
Principle #8 - Encourage mix of activities, uses and densities,
Principle #9 – Support private actions that contribute to the public realm,
Principle #12 - Create efficiencies in delivery of public services

Economic Development Policy #3: The City encourages economic growth consistent with the staging of development identified in the Comprehensive Plan. Priority will be given to investment that reuses previously develop lands, limits increase in utility operation or maintenance costs, and takes advantage of underutilized utility or transportation capacity and funded capital improvements.

Zoning – MU-C District: 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. Development should facilitate pedestrian connections between residential and no-residential uses.

Future Land Use – Business Park - Primarily office and light industrial areas developed in a unified manner, with standards for site design and circulation patterns, signage, landscaping, and building design.

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.

Future Land Use – Institutional - Applicable to medical, university/college, public school, religious, or governmental campuses. Can include adjacent areas that support them.

History:

November 12, 2019 – Preliminary Plat of Kirkland Addition approved by Planning Commission (PL 19-157).

November 12, 2019 – MU-C Plan Review for Costco Wholesale was approved by Planning Commission (PL 19-156).

December 5, 2019 – Wetland Replacement Plan approved by Land Use Supervisor (PL 19-127).

Review and Discussion Items**Staff finds:**

- 1) The land has never been platted and the proposed subdivision of the land for the development of a member's only warehouse store and related utilities cause the need for platting. The plat shows the subdivision of land divided into Lot 1, Block 1 of 20.9 acres, Lot 2, Block 1 of 6.3 acres, and Outlot B of 28.6 acres. All of the lots in the proposed plat will have frontage on public roadways. Lot 1, Block 1 is proposed to be a members only warehouse store and Lot 2, Block 1 is proposed to be a church.
- 2) The Planning Commission's approval of the Preliminary Plat was conditioned on these two items:
 - a) Dedication of land for turn lanes as required by St. Louis County, and
 - b) Dedication of utility easements as required by the City of Duluth.Discussion Items #3 and #4, below, evaluate these conditions.
- 3) St. Louis County Public Works staff have commented that additional area for roadway easements may be necessary to accommodate storm sewer culverts/aprons, grading, etc. They would like additional time to

review the plat and roadway design plans. Therefore, staff recommends the Planning Commission establish a condition that these roadway easements be resolved before the Land Use Supervisor signs the plat.

- 4) City Engineering Division staff have reviewed the utility easements shown on the proposed Final Plat and find them sufficient based on draft utility plans. Additional easement areas will need to be dedicated by the landowner if final utility plans show altered routing of utilities.
- 5) In addition to utility easements shown on the plat, the applicant has also obtained utility easement space from the land owner (St. Louis County) along the east side of Haines Road, from the north edge of the plat to Swan Lake Road, in order to extend a water main to the plat area.
- 6) Staff finds that, other than Item #3, above, which is recommended to be a condition of this approval, 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.
- 7) Public improvements related to the plat include potable water, sanitary and storm sewers, gas piping, turn lanes, and traffic control to be constructed in existing and proposed roadway and utility easements. The developer will need to enter into multiple agreements with both the City and County to finance and permit these improvements. These agreements sufficiently address the UDC's requirement for a development agreement and financial security for public improvements.
- 8) No other city, agency, or citizen comments have been received on this project.

Staff Recommendation

Based on the above findings, staff recommends that Planning Commission approve the Preliminary Plat with the following condition:

1. The Land Use Supervisor shall not sign the plat document unless the applicant provides written communication from the Director of Public Works for St. Louis County that the plat contains all needed roadway easements.
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.



PL 20-099
Final Plat
Kirkland Addition
Site Map

Legend

- NWI_DLH Circular 39 Class 2011
- 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.



REAL PROPERTY IN THE CITY OF DULUTH, COUNTY OF ST. LOUIS, STATE OF MINNESOTA, DESCRIBED AS FOLLOWS:

THE NORTH HALF OF THE NORTH HALF OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTH HALF OF THE NORTH HALF OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, THE NORTH HALF OF THE SOUTH HALF OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTH HALF OF THE SOUTH HALF OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER AND THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, ALL IN SECTION 7, TOWNSHIP 50, RANGE 14, ST. LOUIS COUNTY, MINNESOTA.

AND

THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, EXCEPT THE SOUTH 400.00 FEET OF THE WEST 400.00 FEET THEREOF, ALL IN SECTION 7, TOWNSHIP 50, RANGE 14.



LEGAL DESCRIPTION

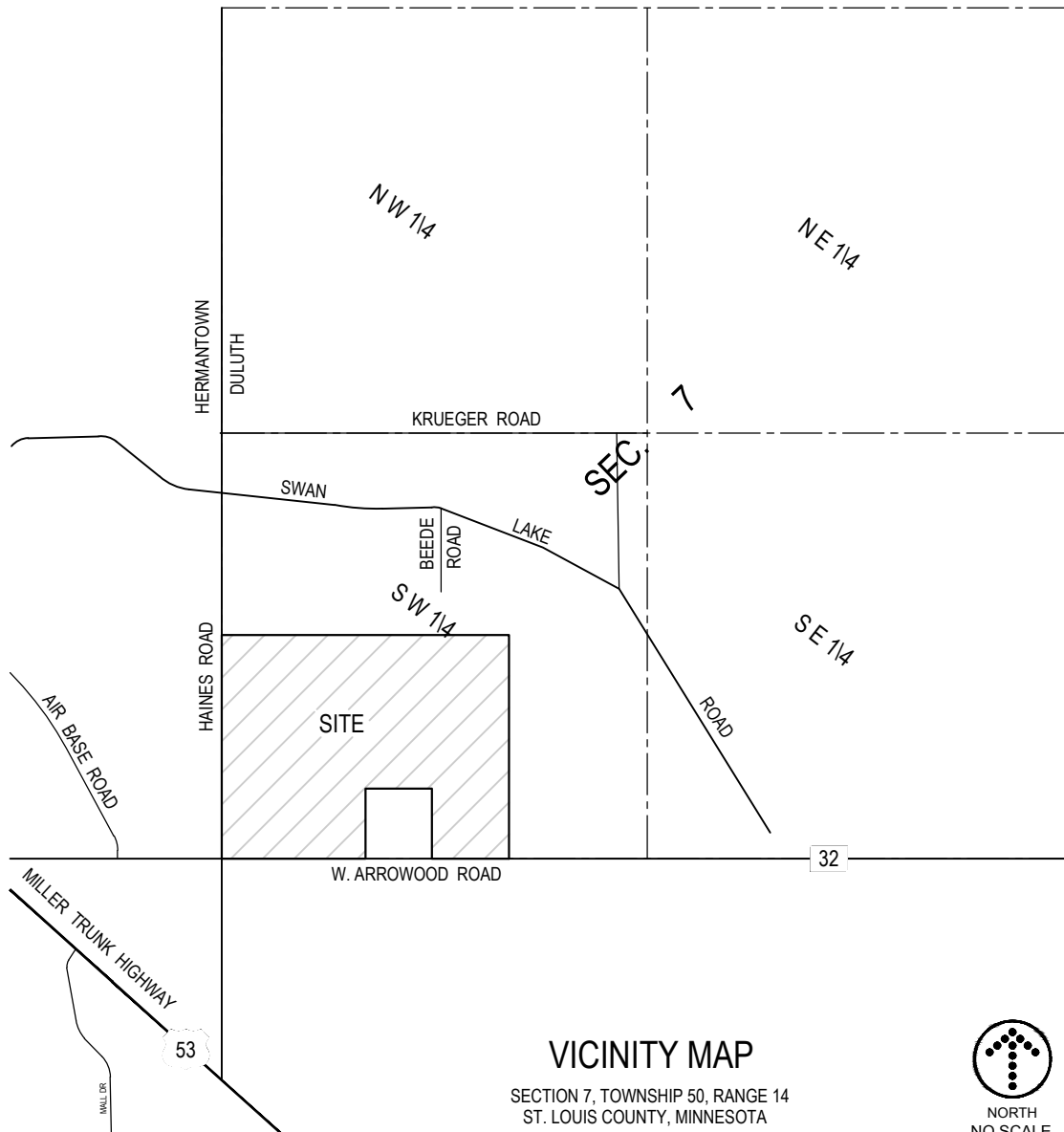
COSTCO ADDITION - DULUTH

• 06.26.2020

FILE NAME: CWC18025 LegalDesc

PROJECT NUMBER: CWC18025

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KIRKLAND ADDITION

LOCATED IN THE S.W. 1/4 OF THE S.W. 1/4, AND PART OF THE S.E. 1/4 OF THE S.W. 1/4,
SECTION 7, TOWNSHIP 50 NORTH, RANGE 14 WEST, 4TH PRINCIPAL MERIDIAN
ST. LOUIS COUNTY, MINNESOTA

KNOW ALL PERSONS BY THESE PRESENTS: That Costco Wholesale Corporation, a Washington Corporation, owner of the following described property:

The North Half of the North Half of the West Half of the Southwest Quarter of the Southwest Quarter, the South Half of the North Half of the West Half of the Southwest Quarter of the Southwest Quarter, the North Half of the South Half of the West Half of the Southwest Quarter of the Southwest Quarter, the South Half of the North Half of the West Half of the Southwest Quarter of the Southwest Quarter and the East Half of the Southwest Quarter of the Southwest Quarter, all in Section 7, Township 50, Range 14, St. Louis County, Minnesota.

AND the West Half of the Southeast Quarter of the Southwest Quarter, except the South 400.00 feet of the West 400.00 feet thereof, all in Section 7, Township 50, Range 14.

Has caused the same to be surveyed and platted as KIRKLAND ADDITION and do hereby dedicate to the public for public use the public ways and the drainage and utility easements as created by this plat.

In witness whereof said Costco Wholesale Corporation, a Washington Corporation, has caused these presents to be signed by its proper officer this _____ day of _____, 20_____.

Signed: COSTCO WHOLESALE CORPORATION

Title _____

STATE OF _____
COUNTY OF _____

This instrument was acknowledged before me this _____ day of _____, 20__ by _____, _____ of Costco Wholesale Corporation, a Washington Corporation, on behalf of the Corporation.

Signature _____

Name _____

Notary Public, State of _____

My commission expires: _____

SURVEYOR CERTIFICATE AND ACKNOWLEDGEMENT

I, Lynn P. Caswell, 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 _____ of _____, 20____.

Lynn P. Caswell, Licensed Land Surveyor
Minnesota License No. 13057

STATE OF MINNESOTA
COUNTY OF _____

The foregoing Surveyor's Certificate was acknowledged before me this _____ day of _____, 20____ by Lynn P. Caswell.

Signature _____

Name _____

Notary Public, State of 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 _____, 20_____.

 President Secretary

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 _____, 20____.

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 _____, 20__.

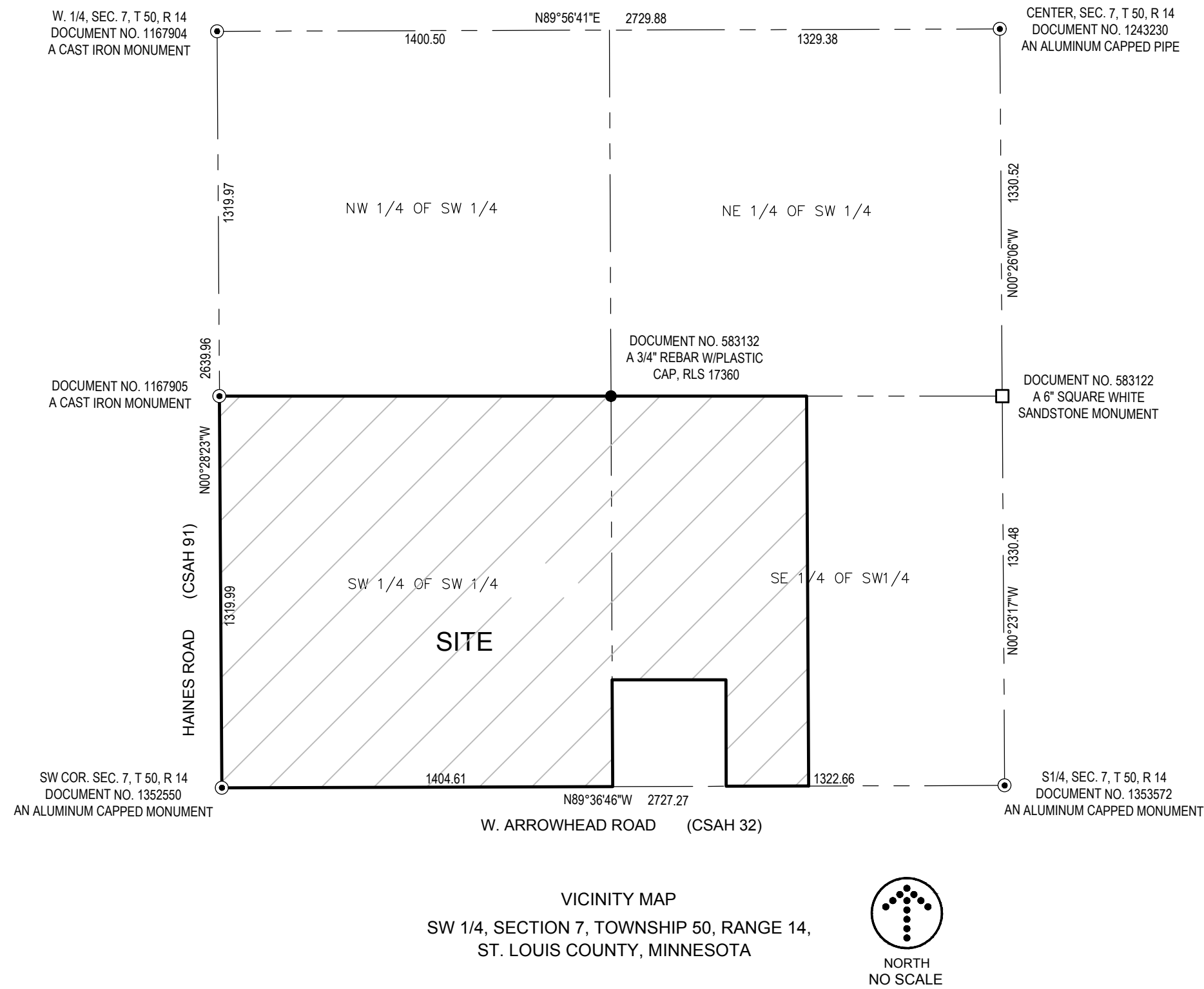
Nancy Nilsen
County Auditor Deputy

ST. LOUIS COUNTY RECORDER

I hereby certify that this plat of KIRKLAND ADDITION was filed in the office of the County Recorder for public record on this _____ day of _____, 20__ at _____.

_____ o'clock _____. M. and was duly recorded as Document No. _____

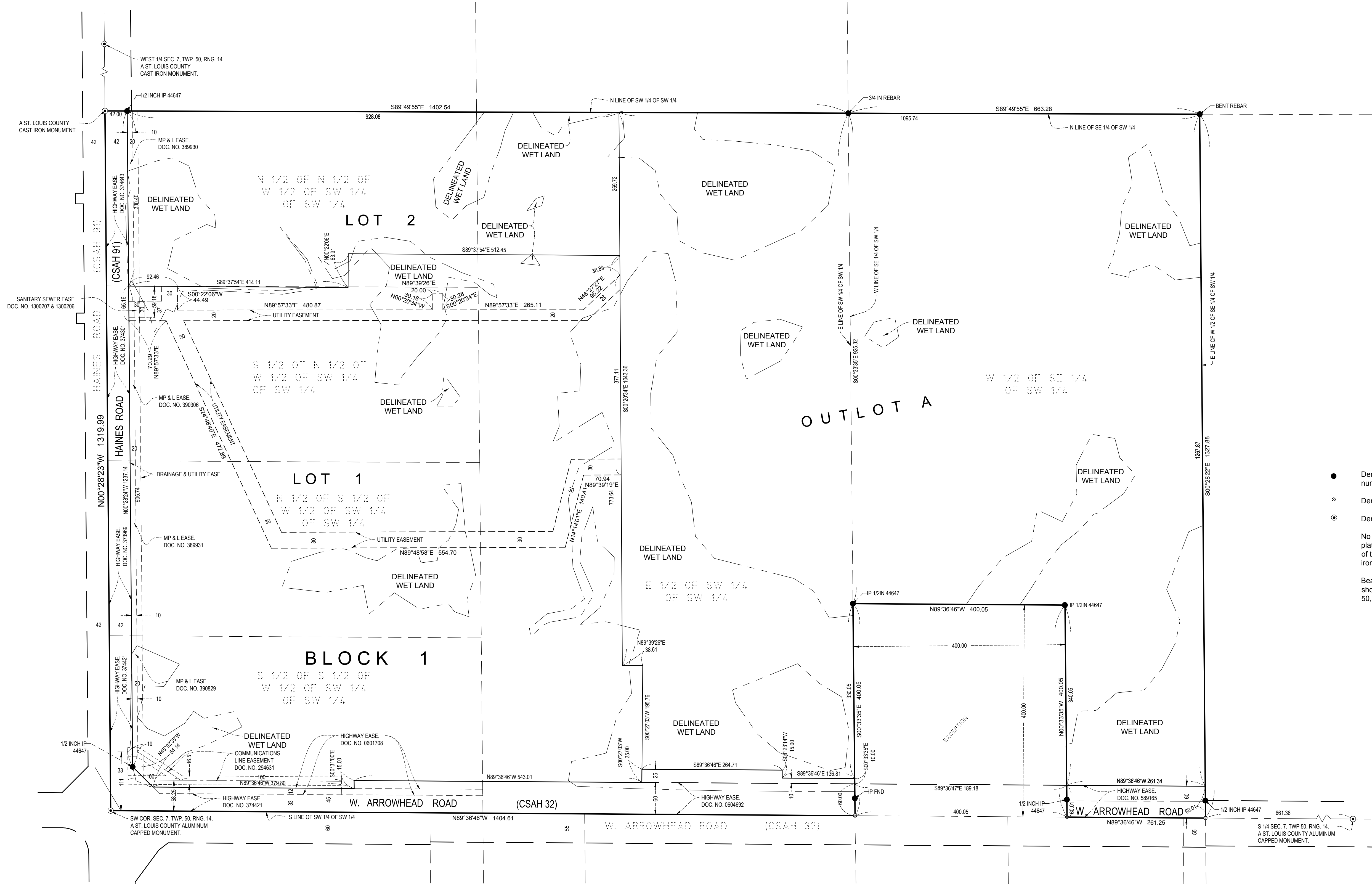
Wendy Levitt
County Recorder Deputy



LAND FORM
From Site to Finish

KIRKLAND ADDITION

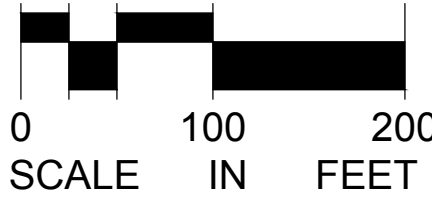
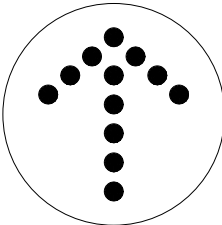
LOCATED IN THE S.W. 1/4 OF THE S.W. 1/4, AND PART OF THE S.E. 1/4 OF THE S.W. 1/4,
SECTION 7, TOWNSHIP 50 NORTH, RANGE 14 WEST, 4TH PRINCIPAL MERIDIAN
ST. LOUIS COUNTY, MINNESOTA



- Denotes 1/2 inch iron pipe monument found and if marked, the License number is noted.
- Denotes P.K. Nail Set.
- ⊙ Denotes a St. Louis County Cast Iron Monument, unless otherwise noted.

No monument symbols shown at any statute required location indicates a plat monument that will be set, and which shall be in place within one year of the recording date of the plat. monuments shall be 1/2 inch by 14 inch iron pipe marked by License Number 13057.

Bearings based upon the St. Louis County Coordinate System. The bearing shown are based on the south line of SW 1/4 of the SW 1/4 of Sec. 7, Twp. 50, Rng. 14 which has a bearing of N89° 36' 46"W.



LANDFORM
From Site to Finish