



**CITY OF DULUTH**

Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197  
 Phone: 218/730.5580 Fax: 218/723-3559

**STAFF REPORT**

<b>File Number</b>	PL 15-058	<b>Contact</b>	Steven Robertson, 218 730-5295	
<b>Application Type</b>	Preliminary Plat, Atlas Industrial Park	<b>Planning Commission Date</b>	May 12, 2015	
<b>Deadline for Action</b>	<b>Application Date</b>	April 3, 2015	<b>60 Days</b>	June 2, 2015
	<b>Date Extension Letter Mailed</b>		<b>120 Days</b>	August 1, 2015
<b>Location of Subject</b>	2300 Block of Commonwealth Avenue			
<b>Applicant</b>	Duluth Economic Development Association	<b>Contact</b>	Ross Lovely	
<b>Agent</b>	Paul Vogel, LHB	<b>Contact</b>	Paul.Vogel@lhbcorp.com	
<b>Legal Description</b>	See attached			
<b>Site Visit Date</b>	April 4, 2015	<b>Sign Notice Date</b>	April 27, 2015	
<b>Neighbor Letter Date</b>	N/A	<b>Number of Letters Sent</b>	N/A	

**Proposal**

The applicant is proposing to subdivide the property to prepare for future industrial development.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	I-G	Undeveloped/Industrial	General Industrial
<b>North</b>	MU-B	Residential	General Industrial
<b>South</b>	R-1	Residential	General Industrial/Preservation
<b>East</b>	I-G	Undeveloped	General Industrial/General Mixed Use
<b>West</b>	MU-B	Business	General Industrial/Preservation

**Summary of Code Requirements (reference section with a brief description):**

The planning commission shall approve the application, or approve it with modifications if it determines that the application:

- (a) Is consistent with the comprehensive land use plan;
- (b) Is consistent with all applicable requirements of MSA 462.358 and Chapter 505;
- (c) Is consistent with all applicable provisions of this Chapter;
- (d) Is consistent with any approved district plan covering all or part of the area of the preliminary plat;
- (e) Is located in an area where adequate police, fire and emergency facilities are available to serve the projected population of the subdivision within the city's established response times, or the applicant has committed to constructing or financing public facilities that will allow police, fire or emergency service providers to meet those response times;
- (f) Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible;

I-V-1  
IV

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

- 1) Governing Principles: Principle #1 - Reuse previously developed land; #7 - Create and maintain connectivity; #10 - Take sustainable actions.
- 2) The Comp Plan defines "General Industrial" as "Areas for manufacturing, processing and other activities that may have off-site impacts and are generally isolated from other uses or buffered from them. Sites should have direct access to major regional transportation facilities and other infrastructure"

**Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):**

- 1) The applicant is proposing to subdivide the property to prepare for future industrial development.
- 2) The general process for subdivisions is that first the applicant submits to the Land Use Supervisor a concept plan that shows, in very general terms, the overall development. That was accomplished in November 2014. The second step is to submit a preliminary plat, that better identifies public right of way and easements (where appropriate), preliminary locations for utilities and stormwater control, and general lot configuration. The Planning Commission reviews the preliminary plat for general conformance to the comprehensive plan and the zoning code, and makes recommendations. The applicant then prepares the final plat based upon the recommendations and comments heard at the previous public hearing. Once approved by the Planning Commission, final plats can be recorded (President of the Planning Commission and Secretary of the Planning Commission are required to sign the plat as evidence of approval).
- 3) 50-23.2 (Connectivity, General Circulation Requirements). Properties zoned I-G shall provide a sidewalk of at least five feet on one side of the street. There is currently about 700 feet of sidewalk on one side of the road, up to the end of the eastern sidewalk. The applicant would need to provide approximately 1,300 more feet of sidewalk to meet this requirement. Sidewalks are required to be built no later than 5 years after platting, or when the roads are built. In addition, a 10 feet access easement from the cul de sac to the closest adjacent street is required, unless the city engineer determines that public access in that location is not practical due to site or topography constraints. There are no nearby streets that a 10 foot access easement could connect to in a practical manner. Finally, a pedestrian way at least ten feet in width shall be provided near the middle of any bock face longer than 800 feet in order to provide connections with streets on either side of the block. The applicant has agreed to record pedestrian easements on top of all utility and drainage easements after the plat is recorded.
- 3) Staff find that the preliminary plat conforms to the requirements of Sec 50-37.5. The comprehensive land use plan has this area identified as General Industrial, and zoned I-G; subdivided lots will conform to the minimum lot area and lot frontage for I-G.
- 4) Generally all the comments made by City staff at the Concept Plan meeting were met or revised. Item #3 (to allow for maximum connectivity), the city would like additional right of way connecting the cul de sac at the north end of Nick Glumac Drive with existing TH 23. That change has not been made, and Planning Staff still recommend platted right of way or a street easement to provide a future second access to TH23. Staff believe that as this industrial park develops, it is not unreasonable to expect that there may be several hundred people work or traveling to businesses within the development. Any development that has a significant amount of traffic generation should have at least two access points, whenever possible/feasible.
- 5) No citizen or City comments have been received. MN Power staff have submitted one comment related to a minor connection.

**Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):**

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

- 1) A street easement or platted right of way is dedicated to allow for the potential development of a second access to TH 23 from the cul de sac at the north end of Nick Glumac Drive.
- 2) Pedestrian easements are dedicated on top of the utility easements with 180 days after the final plat is recorded.

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**Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)**



# City Planning

## PL15-058 Atlas Industrial Park Preliminary Plat

### Legend

#### Zoning Boundaries

Zoning Boundaries

Vacated ROW

Easement Type

Utility Easement

Other Easement

Future Land Use

Preservation

Recreation

Rural Residential

Low-density Neighborhood

Traditional Neighborhood

Urban Residential

Neighborhood Commercial

Neighborhood Mixed Use

General Mixed Use

Central Business Secondary

Central Business Primary

Auto Oriented Commercial

Large-scale Commercial

Business Park

Tourism/Entertainment District

Medical District

Institutional

Commercial Waterfront

Industrial Waterfront

Light Industrial

General Industrial

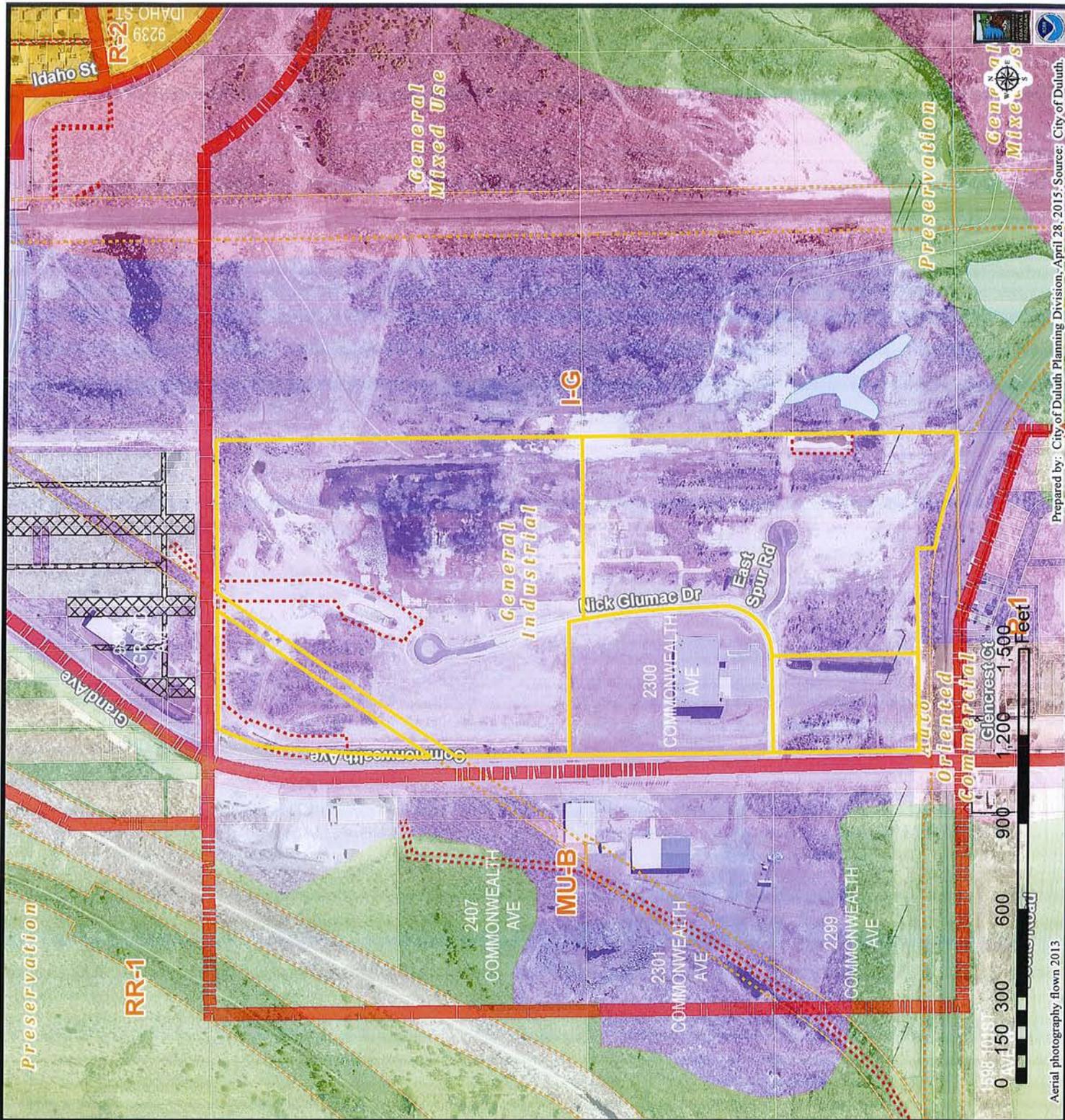
Transportation and Utilities

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 2013



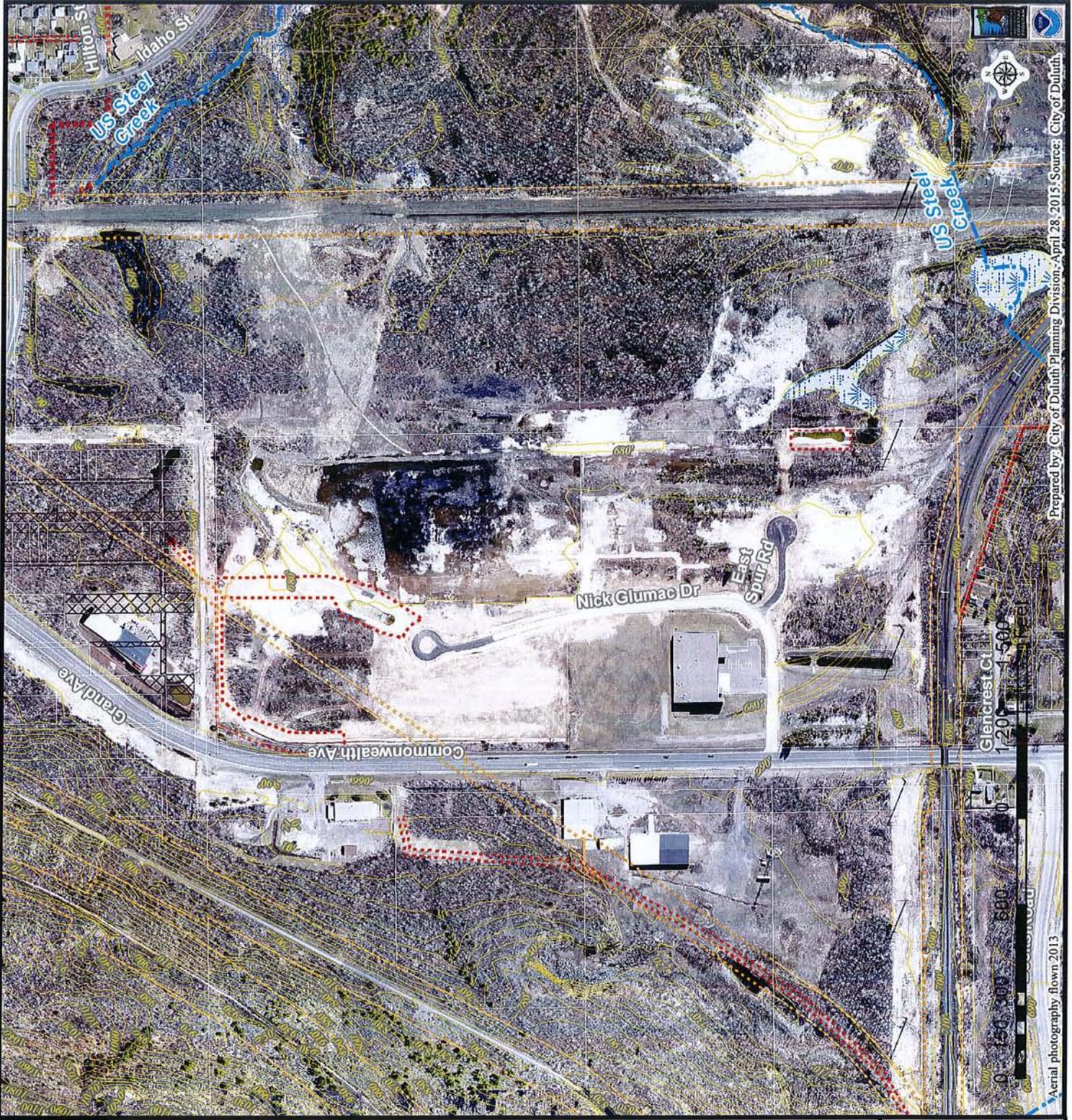
0 150 300 600 900 1,200 1,500 Feet



Prepared by: City of Duluth Planning Division, April 28, 2015. Source: City of Duluth.



**City Planning**  
**DULUTH**  
 PL15-058 Atlas Industrial Park  
 Preliminary Plat



**Legend**

- Trout Stream (GPS)
- - - Other Stream (GPS)
- - - Wetlands (NRR)
- 10' Contour (elev. change)
- Vacated ROW

**Easement Type**

- Utility Easement
- Other Easement

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4



US Steel  
Creek

US Steel  
Creek

US Steel  
Creek

US Steel  
Creek

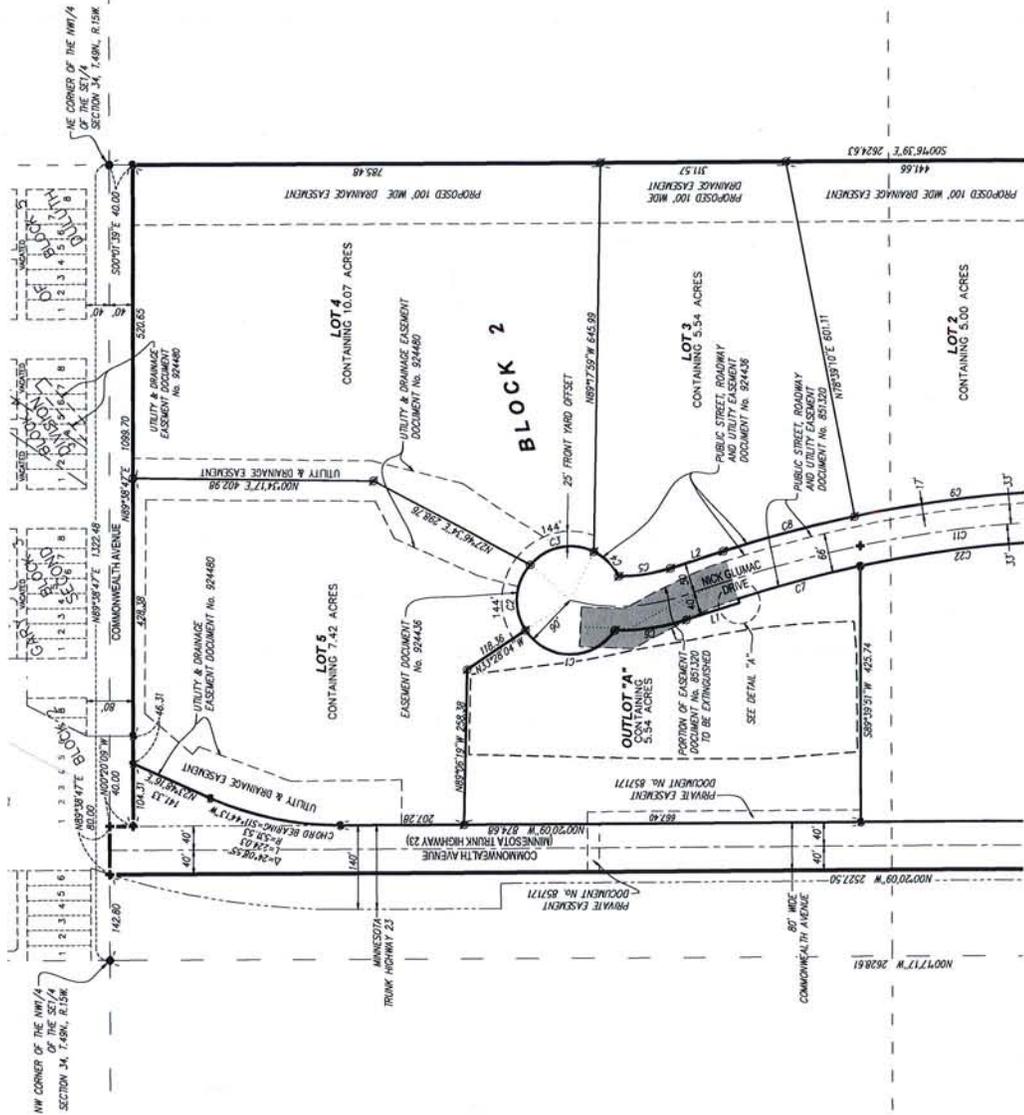
V-5



PRELIMINARY PLAT

# ATLAS INDUSTRIAL PARK

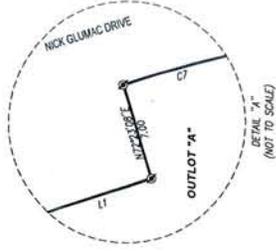
part of the SE 1/4  
Section 34, T49N, R15W of the 4th P.M.  
St. Louis County, Minnesota



LINE	BEARING	LENGTH
L1	N17°35'52\"	83.50
L2	S17°35'52\"	83.50
L3	S02°31'02\"	195.64
L4	N02°31'02\"	195.64
L5	S84°45'05\"	59.89
L6	S84°45'05\"	59.89
L7	S89°49'54\"	64.90
L8	S89°49'54\"	64.90
L9	N44°34'05\"	35.68
L10	N44°34'05\"	35.68
L11	S84°45'05\"	83.00
L12	S89°49'54\"	64.90

CURVE	RADIUS	CENTRAL ANGLE	ARC LENGTH	TANGENT	CHORD	BEARING
C1	80.00	117°44'24\"	177.08	50.00	50.00	S02°35'52\"
C2	80.00	74°36'41\"	117.08	50.00	50.00	N85°09'32\"
C3	80.00	74°36'41\"	117.08	50.00	50.00	N17°35'52\"
C4	80.00	74°36'41\"	117.08	50.00	50.00	S02°31'02\"
C5	283.00	17°46'49\"	87.92	50.00	50.00	S08°43'28\"
C6	271.00	18°38'42\"	97.38	50.00	50.00	S08°17'31\"
C7	210.85	22°56'38\"	72.74	50.00	50.00	N14°53'21\"
C8	210.85	22°56'38\"	72.74	50.00	50.00	N07°20'31\"
C9	210.85	22°56'38\"	72.74	50.00	50.00	N02°46'42\"
C10	210.85	22°56'38\"	72.74	50.00	50.00	N02°46'42\"
C11	2146.85	0°20'12\"	341.31	50.00	50.00	N02°30'05\"
C12	170.77	47°52'49\"	146.91	50.00	50.00	N97°27'22\"
C13	170.77	47°52'49\"	146.91	50.00	50.00	N87°42'00\"
C14	203.77	41°21'53\"	121.17	50.00	50.00	N27°04'17\"
C15	127.77	91°54'04\"	228.88	50.00	50.00	N43°26'00\"
C16	105.07	49°15'49\"	131.00	50.00	50.00	S87°22'02\"
C17	105.07	49°15'49\"	131.00	50.00	50.00	S89°03'52\"
C18	105.07	49°15'49\"	131.00	50.00	50.00	S89°03'52\"
C19	100.00	45°25'49\"	29.00	50.00	50.00	N87°42'00\"
C20	100.00	45°25'49\"	29.00	50.00	50.00	S87°42'00\"
C21	220.77	39°21'12\"	220.77	50.00	50.00	S17°35'52\"
C22	220.85	39°21'12\"	220.77	50.00	50.00	S17°35'52\"

- LEGEND**
- BOUNDARY LINE, THIS PLAT
  - - - PROPOSED BLOCK LINE
  - - - PROPOSED LOT LINE
  - - - SECTION LINE
  - - - QUARTER SECTION LINE
  - - - SIXTEENTH SECTION LINE
  - - - EASEMENT LINE
  - - - RIGHT OF WAY LINE
  - - - PLATED LOT LINE
  - - - WICKED PLAT LINE
  - - - RAILROAD RIGHT OF WAY LINE
  - - - RAILROAD TRACKS
  - 5/8" x 30" REBAR WITH ALUMINUM CAP INSCRIBED "MINNESOTA PLS 44075", SET THIS SURVEY (PENDING)
  - FOUND 5/8" REBAR WITH ALUMINUM CAP INSCRIBED "MINNESOTA PLS 44075", SET FROM PREVIOUS SURVEYS
  - FOUND REBAR, AS DESCRIBED
  - FOUND ALUMINUM CAPPED SQUARE TUBE
  - FOUND 1 1/2" REBAR INSIDE CITY OF DULUTH MONUMENT BOX
  - + COMPUTED POSITION, NO MONUMENT FOUND OR SET
  - ◆ FOUND STONE MONUMENT

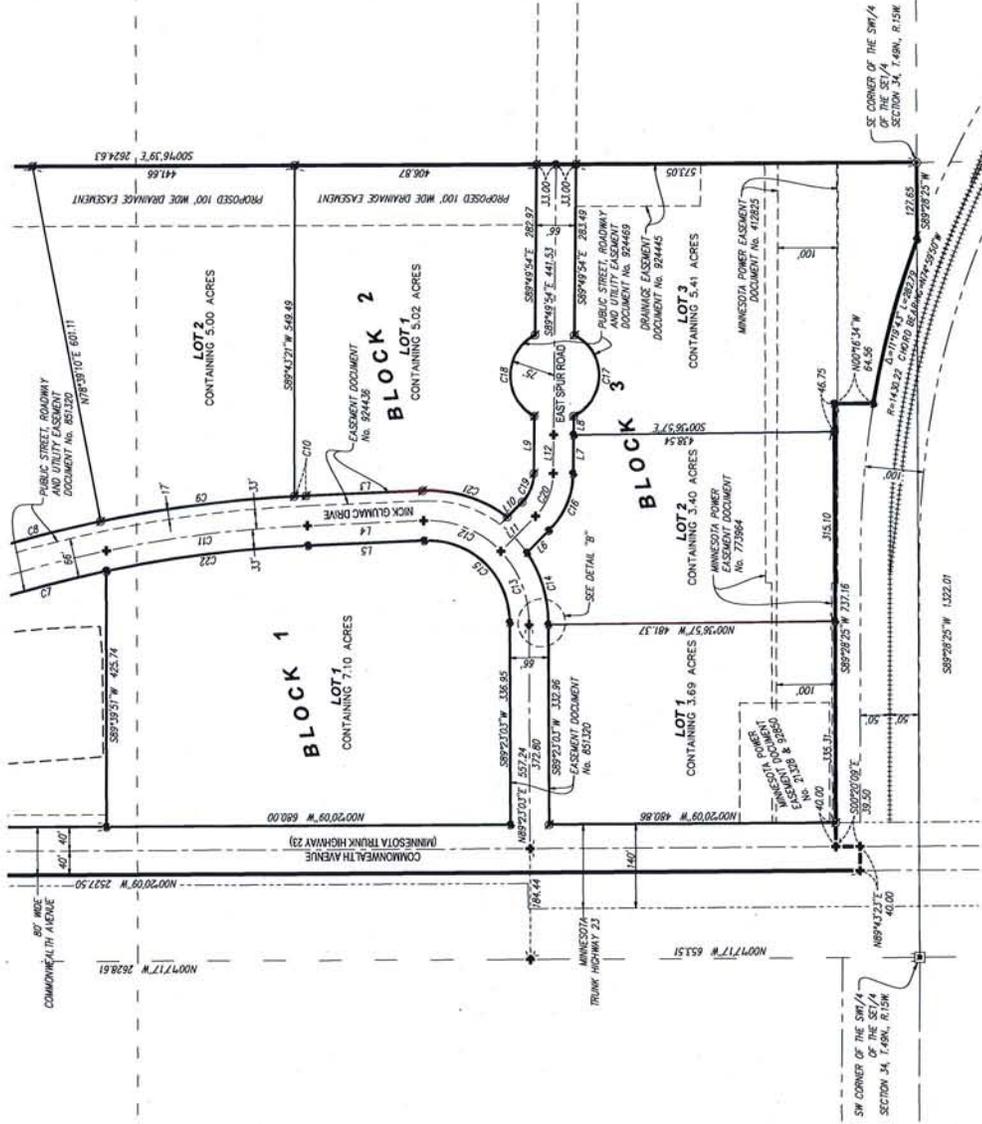


V-7

PRELIMINARY PLAT

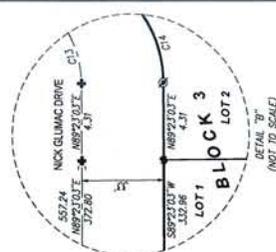
# ATLAS INDUSTRIAL PARK

part of the SE 1/4  
Section 34, T49N, R15W of the 4th P.M.  
St. Louis County, Minnesota



CURVE	RADIUS	CENTRAL ANGLE	ARC LENGTH	CHORD BEARING
C1	50.00	112.94 24	177.02	S00°20'55.76" W
C2	50.00	24°48'51"	117.20	N88°28'42.72" W
C3	50.00	74°33'33"	117.39	N11°29'15.75" W
C4	50.00	117.39	117.39	N11°29'15.75" W
C5	284.00	1°46'55.82"	87.82	S88°54'28.72" E
C6	374.00	18°38'42"	121.95	S88°17'31.72" E
C7	2102.85	05°05'58"	212.24	N14°54'23.71" W
C8	2102.85	05°05'58"	212.24	N14°54'23.71" W
C9	2102.85	05°05'58"	212.24	N14°54'23.71" W
C10	2102.85	05°05'58"	212.24	N14°54'23.71" W
C11	2102.85	05°05'58"	212.24	N14°54'23.71" W
C12	176.77	47°26'59"	142.91	N02°20'08.72" W
C13	176.77	47°26'59"	142.91	N02°20'08.72" W
C14	203.17	44°12'41"	123.17	N02°20'08.72" W
C15	112.77	91°54'04"	220.95	N44°28'00.72" E
C16	105.07	45°25'59"	131.00	S87°21'00.72" E
C17	187.29	12°29'10.01"	78.00	S88°49'54.72" E
C18	187.29	12°29'10.01"	78.00	S88°49'54.72" E
C19	52.83	45°25'59"	62.00	N87°21'00.72" E
C20	100.00	45°25'59"	70.00	S87°21'00.72" E
C21	250.77	89°21'12"	220.77	S17°29'13.72" W
C22	1202.85	3°18'49"	392.54	N02°20'28.72" W

LINE	BEARING	LENGTH
L1	N17°28'52.72" W	83.50
L2	S17°28'52.72" E	83.50
L3	S02°11'02.72" E	195.64
L4	N02°11'02.72" W	195.64
L5	N02°11'02.72" W	195.64
L6	S88°49'54.72" E	64.90
L7	S88°49'54.72" E	31.16
L8	N88°49'54.72" W	65.65
L9	N88°49'54.72" W	35.48
L10	N44°28'00.72" E	181.00
L11	S44°28'00.72" E	81.00
L12	S88°49'54.72" E	164.50

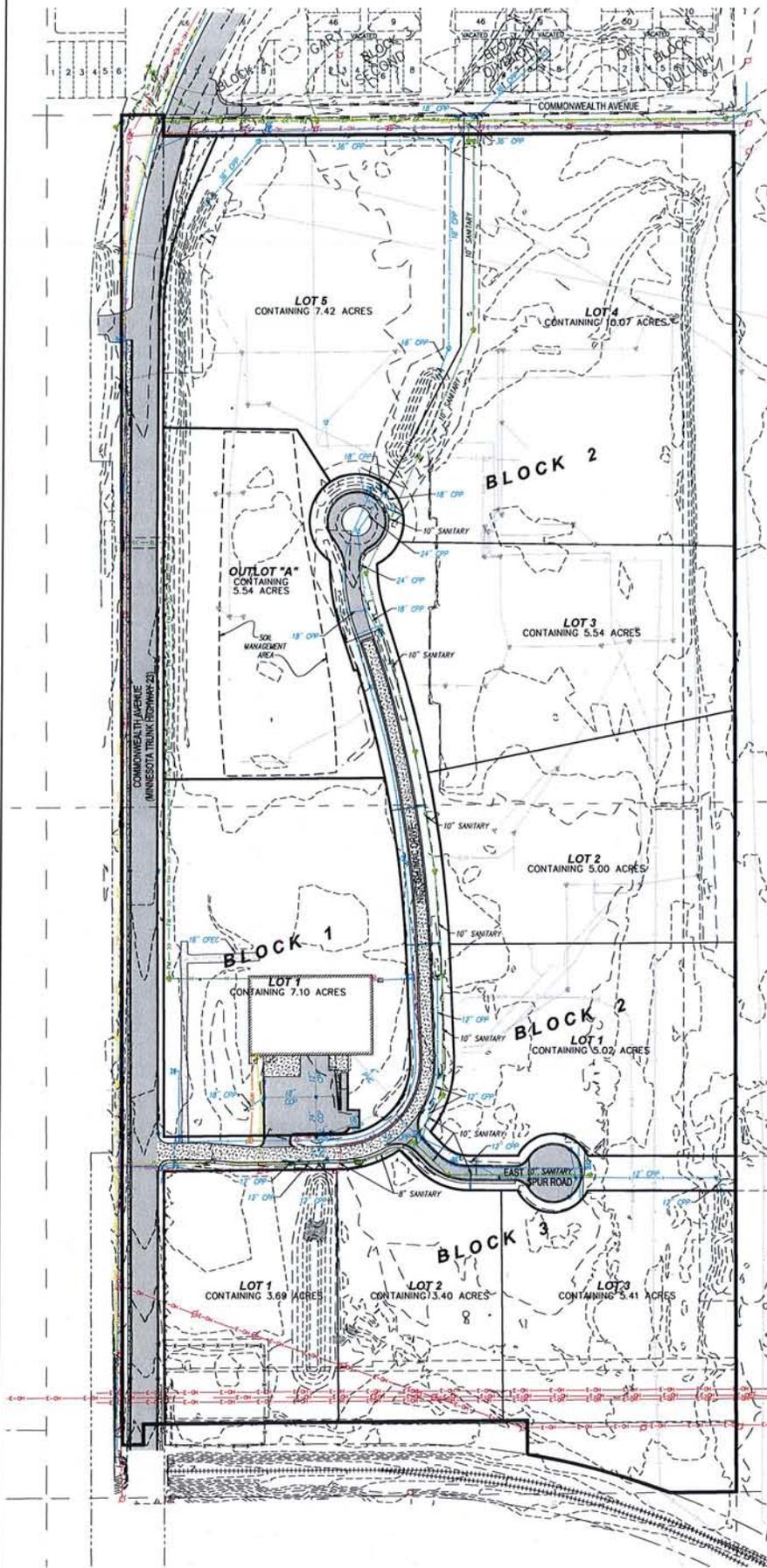


- LEGEND
- BOUNDARY LINE, THIS PLAT
  - PROPOSED BLOCK LINE
  - PROPOSED LOT LINE
  - SECTION LINE
  - QUARTER SECTION LINE
  - SIXTEENTH SECTION LINE
  - EASEMENT LINE
  - RIGHT OF WAY LINE
  - PLATTED BLOCK LINE
  - PLATTED LOT LINE
  - VACATED PLAT LINE
  - RAILROAD RIGHT OF WAY LINE
  - RAILROAD TRACKS
  - 5/8" x 3/8" REBAR WITH ALUMINUM CAP INSORBED MINNESOTA PLS 44075, SET FROM FRIENDS SURVEYS THIS SURVEY (PENDING)
  - FOUND 5/8" REBAR WITH ALUMINUM CAP INSORBED MINNESOTA PLS 44075, SET FROM FRIENDS SURVEYS
  - FOUND REBAR, AS DESCRIBED
  - FOUND ALUMINUM CAPPED SQUARE TUBE
  - FOUND 1 1/2" REBAR INSIDE CITY OF DULUTH MONUMENT BOX
  - COMPLETED POSITION, NO MONUMENT FOUND OR SET
  - FOUND STONE MONUMENT

V-8

# ATLAS INDUSTRIAL PARK

part of the SE 1/4  
Section 34, T49N, R15W of the 4th P.M.  
St. Louis County, Minnesota



**LEGEND**

- = BOUNDARY LINE, THIS PLAT
- = PROPOSED BLOCK LINE
- = PROPOSED LOT LINE
- = BUILDING
- = CONCRETE SURFACE
- = BITUMINOUS SURFACE
- = GRAVEL SURFACE
- = CURB & CUTTER
- = ROADWAY RIGHT-OF-WAY LINE
- = SECTION LINE
- = QUARTER SECTION LINE
- = SIXTEENTH SECTION LINE
- = UNDERGROUND WATER LINE
- = UNDERGROUND TELEPHONE LINE
- = UNDERGROUND GAS LINE
- = UNDERGROUND ELECTRIC LINE
- = OVERHEAD ELECTRIC LINE
- = SANITARY SEWER LINE
- = SANITARY SEWER FORCE MAIN
- = STORM SEWER PIPE
- = UNDERGROUND COMMUNICATION LINE
- = RAILROAD TRACKS
- = 10' CONTOUR INTERVAL
- = 2' CONTOUR INTERVAL
- = SANITARY SEWER LIFT STATION
- = SANITARY SEWER MANHOLE
- = CATCH BASIN
- = STORM MANHOLE
- = WATER MANHOLE
- = HAND HOLE
- = WATER VALVE
- = HYDRANT
- = TELEPHONE PEDISTAL
- = LIGHT POLE
- = GAS METER
- = ELECTRIC HAND HOLE
- = ELECTRIC METER/PANEL
- = POWER POLE
- = APRON END

- SURVEYOR'S NOTES**
- CITY OF DULUTH LEAS DATA INCORPORATED INTO THIS SURVEY WAS FLOWN BY MOORE, INC. OCT 29-NOV 8, 2012 AND PROCESSED TO MEET VERTICAL ACCURACY STANDARDS FOR 2 FOOT CONTOURS. PORTIONS OF ACTUAL GROUND SURVEY BASED ON 2012 THRU 2015 SITE MODIFICATIONS.
  - HORIZONTAL DATUM = ST. LOUIS COUNTY TRANSVERSE MERCATOR 1986 (SCTM\_86)
  - VERTICAL DATUM = NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88)  
BENCHMARK 1 (BM 1) = TOP OF ALUMINUM ALLOY FLANGE-ENCASED ROD STAMPED "SERIES 2009". THE MARK ISN GARY NEW DULUTH, 0.25 MILE NORTH ALONG TRUNK HIGHWAY 23 FROM JUNCTION OF TRUNK HIGHWAY 23 AND COUNTY ROAD 3 WEST AT TRUNK HIGHWAY 23. MEASUREMENT 340.36, 58.2 FEET NORTH OF ROCK QUAM DRIVE, 48.7 FEET EAST OF NORTHBOUND TRUNK HIGHWAY 23. EL = 684.33 FEET.
  - UTILITIES SHADED IN GRAY WITHIN THIS PRELIMINARY PLAT ARE KNOWN TO HAVE HISTORICAL DOCUMENTS AND PRESUMED TO BE ABANDONED.
  - ZONING CLASSIFICATION= I-C  
MINIMUM LOT AREA: ZERO SQUARE FEET  
MINIMUM LOT FRONTAGE: 2000 FEET  
MINIMUM DEPTH OF FRONT YARD: 25 FEET  
MINIMUM WIDTH OF SIDE YARD: ZERO FEET  
MINIMUM DEPTH OF REAR YARD (R1): 2000 FEET  
MAXIMUM HEIGHT OF STRUCTURE: 60 FEET
  - BASES OF BEARING IS GRID NORTH, ST. LOUIS COUNTY TRANSVERSE MERCATOR 86 COORDINATE SYSTEM.

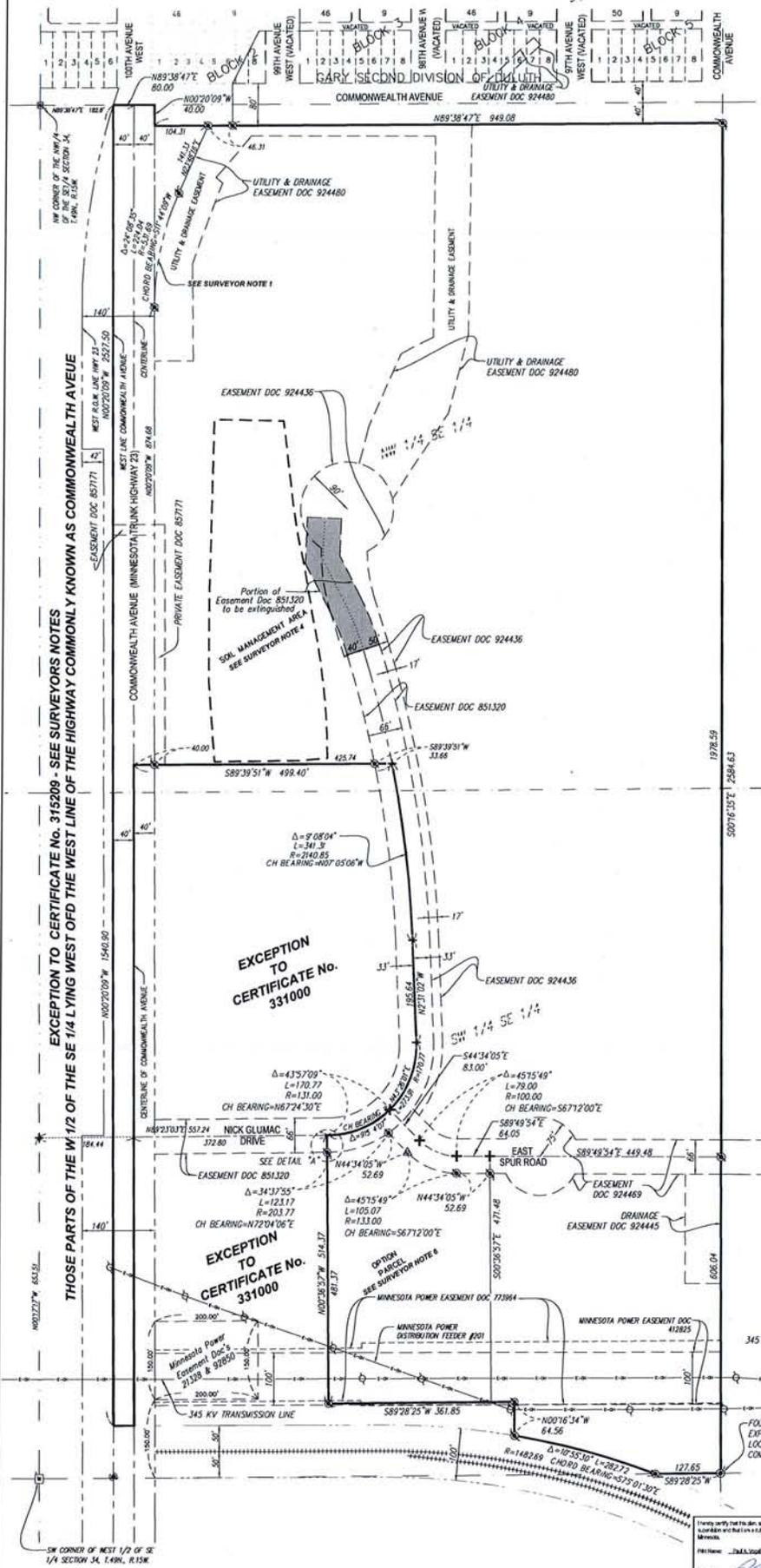


V-1



# Certificate of Survey

former Atlas Cement Plant Site  
 part of the SE 1/4  
 Section 34, T49N, R15W of the 4th P.M.  
 St. Louis County, Minnesota



- LEGEND**
- = BOUNDARY LINE, THIS SURVEY
  - - - = SECTION LINE
  - - - = QUARTER SECTION LINE
  - - - = SIXTEENTH SECTION LINE
  - - - = EASEMENT LINE
  - ▨ = UTILITY EASEMENT
  - - - = RIGHT OF WAY LINE
  - - - = PLATTED BLOCK LINE
  - - - = PLATTED LOT LINE
  - - - = VACATED PLAT LINE
  - = EXISTING OVERHEAD POWER LINE
  - = EXISTING FENCE LINE
  - \*\*\*\*\* = EXISTING RAILROAD TRACKS
  - ⊗ = 5/8" x 30' REBAR WITH ALUMINUM CAP INSCRIBED "MINNESOTA PLUS 44075", SET THIS SURVEY
  - ⊙ = FOUND REBAR WITH PLASTIC CAP INSCRIBED "10725"
  - ⊛ = FOUND MONUMENT, AS DESCRIBED
  - ⊠ = FOUND ALUMINUM CAPPED SQUARE TUBE
  - + = COMPUTED POSITION, NO MONUMENT FOUND OR SET
  - △ = P.K. NAIL DRILLED IN CONCRETE SURFACE, SET THIS SURVEY
  - ⊞ = SIX FOOT LONG STEEL FENCE POST, SET THIS SURVEY
  - ⊚ = EXISTING POWER POLE
  - ⊞ = FOUND STONE MONUMENT

- LEGAL DESCRIPTION**  
 Per Certificate of Title 331000
- SURVEYOR'S NOTES:**
1. Hwy 21 Right of Way shown per Mn DOT Right of Way Plat 06-43.
  2. It is the surveyor's recommendation that DED1 coordinate with City of Duluth and MnDOT Staff to clarify ownership interest along the east side of Highway 21 in the northwest corner of the NW SE of Section 34, Township 49 North, Range 15 West.
  3. Easement Doc. No. 851320 running in favor of the City of Duluth for public street, roadway and utility purposes.
  4. Easement Doc. No. 857771 running in favor of owner of lands to south of easement (currently Ionics Corporation) for private sanitary sewer purposes.
  5. Easement Doc. No. 924469 running in favor of the City of Duluth for public street, roadway and utility purposes.
  6. "4 Acre Option Parcel" is per Development Agreement Document No. 851384 and updated to exclude lands along Southerly limits pending sale to Wisconsin Central Ltd. (Former Spirit Lake Transfer Railway Company a.k.a. DMGLR).
  7. The Soil Management Area (SMA) is an area to be designated solely for this purpose. Legal description of this area has been provided to the owner for separate transaction.



THOSE PARTS OF THE W 1/2 OF THE SE 1/4 LYING WEST OF THE WEST LINE OF THE HIGHWAY COMMONLY KNOWN AS COMMONWEALTH AVENUE  
 EXCEPTION TO CERTIFICATE NO. 315208 - SEE SURVEYOR'S NOTES  
 EXCEPTION TO CERTIFICATE NO. 331000

V-10

I hereby certify that this plan, map, or report was prepared by me or under my direct supervision and that I am a duly licensed and in good standing Surveyor of the State of Minnesota.

DATE RECEIVED: 10/14/14  
 DATE PREPARED: 10/14/14  
 PROJECT: 10/14/14  
 FILE: 10/14/14  
 SHEET: 1 OF 1

DUALITY MINNEAPOLIS  
 200 First Avenue North  
 Minneapolis, MN 55401  
 TEL: 612.339.1000  
 FAX: 612.339.1001  
 WWW: www.dualitymn.com

# ATLAS INDUSTRIAL PARK

## CERTIFICATE OF TITLE No. 331000

All that portion of the E1/2 of SE1/4, SE1/4 of SE1/4 being platted as Everett Park Addition to Duluth of said Section 34 lying West of a line drawn from a point on the South line of said Section 473.2 feet Westerly from the Southeast corner of said Section to a point on the North line of the SE1/4 of NE1/4 of said Section, 486.8 feet Westerly from said East line of said Section being in TOWNSHIP 49 North of RANGE 15 West of the Fourth Principal Meridian

AND

All that portion of the NE1/4 of NE1/4 of SECTION 3 described as follows:

Beginning at a point on the South line of said NE1/4 of NE1/4 of said Section 3, 523.2 feet Westerly from the East line of said Section; thence Westerly along the South line of said NE1/4 of NE1/4 a distance of 200 feet; thence North parallel to said Easterly line of said NE1/4 of NE1/4, 112.7 feet to a point; thence in a Northeasterly direction at an angle of 45 degrees 9 minutes with the last described line 113.1 feet to a point; thence in a Northwesterly direction at an angle of 59 degrees 56 minutes with the last described line, 40.6 feet to a point; thence in a Southwesterly direction at an angle of 95 degrees 7 minutes with the last described line, 679.5 feet, more or less, to a point on the South line of said NE1/4 of NE1/4 33 feet Easterly from the Southwest corner thereof; thence Westerly along said South line of the SW1/4 corner of said NE1/4 of NE1/4; thence North along the West boundary line of said NE1/4 of NE1/4 to the Northwest corner thereof; thence East along the North boundary line of said NE1/4 of NE1/4 to a point 423.2 feet West from the Northeast corner of said Section 3; thence South at right angles and always parallel with and distant 423.2 feet from the East line of said Section 3 to a point 900 feet from the South line of said NE1/4 of NE1/4; thence West at right angles a distance of 100 feet; thence South at right angles to last mentioned line to the place of beginning, being in TOWNSHIP 48 North of RANGE 15 West of the Fourth Principal Meridian, EXCEPTING from each of the above described parcels the land within the following description: A Sixty-six (66) foot wide strip of land in the Southeast Quarter of the Southeast Quarter (SE1/4 of SE1/4) of Section 34 Township 49 North and the Northeast Quarter of the Northeast Quarter (NE1/4 of NE1/4) of Section Three (3), Township Forty-eight (48) North, all in Range Fifteen (15) West of the Fourth Principal Meridian, the centerline of which strip of land is described as follows: Commencing at the South Quarter corner of said Section 34; thence North 00 degrees 17 minutes 17 seconds West along the West line of the SW1/4 of SE1/4 of said Section 34, a distance of 653.51 feet; thence North 89 degrees 23 minutes 03 seconds East a distance of 184.44 feet to the intersection of centerlines of Commonwealth Avenue (Minnesota Trunk Highway No. 23) and Nick Glumac Drive as described in Document No. 851365; thence North 89 degrees 23 minutes 03 seconds East along the centerline of said Nick Glumac Drive a distance of 377.11 feet; thence northeasterly a distance of 131.00 feet along the centerline of said Nick Glumac Drive, being a tangential curve concave to the northwest having a radius of 170.77 feet and a central angle of 43 degrees 57 minutes 09 seconds; thence South 44 degrees 34 minutes 05 seconds East a distance of 83.00 feet; thence southeasterly a distance of 79.00 feet along a tangential curve concave to the northeast having a radius of 100.00 feet and a central angle of 45 degrees 15 minutes 49 seconds; thence South 89 degrees 49 minutes 54 seconds East a distance of 513.52 feet to the West line of said SE1/4 of SE1/4 and the Point of Beginning of the centerline to be described; thence continuing South 89 degrees 49 minutes 54 seconds East a distance of 463.71 feet; thence southeasterly a distance of 136.70 feet along a tangential curve concave to the southwest having a radius of 100.00 feet and a central angle of 78 degrees 19 minutes 22 seconds; thence South 11 degrees 30 minutes 33 seconds East, a distance of 608.64 feet; thence a distance of 117.75 feet along a tangential curve concave to the northeast having a radius of 100.00 feet and a central angle of 67 degrees 27 minutes 53 seconds; thence South 78 degrees 58 minutes 26 seconds East a distance of 146.34 feet to a point 423.20 feet westerly of and parallel with

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the East line of the NE1/4 of NE1/4 of said Section 3 and said centerline there terminating. The sidelines of said strip of land are prolonged or shortened to terminate on the West line of the SE1/4 of SE1/4 of said Section 34 and a line 423.20 feet westerly of and parallel with the East line of said NE1/4 of NE1/4 of said Section 3.

EXCEPT

That part of the Southwest One-quarter of Southeast One-quarter (SW 1/4 of SE 1/4) Section 34, Township 49 North, Range 15 West, St. Louis County, Minnesota being described in Exhibit A of Quit Claim Deed Document No. 950364, recorded on October 23, 2015 in the Registrar of Titles Office, St. Louis County, Minnesota and described as follows:

The South 140.00 feet of the of Southwest One-quarter of Southeast One-quarter (SW 1/4 of SE 1/4) of Section 34, Township 49 North, Range 15 West of the Fourth Principal Meridian affecting Certificate of Title No. 331000 as recorded in the Registrar of Titles Office, St. Louis County, Minnesota EXCEPT the East 400.00 feet thereof and further excepting that portion lying south of a line parallel with and 50 feet distant northerly of the centerline of the track of the Wisconsin Central Ltd. (f.k.a. Spirit Lake Transfer Railway Company).

**CERTIFICATE OF TITLE No. 313912**

Parcel A

That part of W1/2 of SE1/4 Section 34 Township 49 North Range 15 West described as follows:

Commencing at the southwest corner of said W1/2-SE1/4; thence North 00 degrees 17 minutes 17 seconds West, along the west line of said W1/2-SE1/4 a distance of 653.51 feet; thence North 89 degrees 23 minutes 03 seconds East a distance of 184.44 feet to the centerline of Commonwealth Avenue (Minnesota Trunk Highway No. 23) and the point of beginning; thence continuing North 89 degrees 23 minutes 03 seconds East a distance of 377.11 feet; thence northeasterly, along a tangential curve concave to the northwest having a radius of 170.77 feet, central angle of 91 degrees 54 minutes 07 seconds, a distance of 273.91 feet; thence North 02 degrees 31 minutes 04 seconds West a distance of 195.64 feet; thence northwesterly, along a tangential curve concave to the southwest having a radius of 2140.85 feet, central angle of 09 degrees 08 minutes 04 seconds, a distance of 341.31 feet; thence South 89 degrees 39 minutes 51 seconds West a distance of 499.40 feet to the centerline of Commonwealth Avenue, thence South 00 degrees 20 minutes 09 seconds East, along said centerline a distance of 713.20 feet to the point of beginning.

Parcel B

That part of W1/2 of SE1/4 Section 34 Township 49 North Range 15 West described as follows:

Commencing at the southwest corner of said W1/2-SE1/4; thence North 00 degrees 17 minutes 17 seconds West, along the west line of said W1/2-SE1/4 a distance of 653.51 feet; thence North 89 degrees 23 minutes 03 seconds East a distance of 184.44 feet to the centerline of Commonwealth Avenue (Minnesota Trunk Highway No. 23) and the point of beginning; thence continuing North 89 degrees 23 minutes 03 seconds East a distance of 372.80 feet; thence South 00 degrees 36 minutes 57 seconds East a distance of 555.51 feet to the north line of the Canadian National Railway (fka DM&IR Railroad) property; thence South 89 degrees 43 minutes 23 seconds West along said north line a distance of 375.51 feet to the centerline of Commonwealth Avenue, thence North 00 degrees 20 minutes 09 seconds West, along said centerline a distance of 553.29 feet to the point of beginning.

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City of Duluth  
Planning Division

411 West First Street • Room 208 • Duluth, Minnesota 55802-1197  
218-730-5580 • Fax: 218-730-5904 • www.duluthmn.gov

An Equal Opportunity Employer

**Applicant:**

DEDA  
411 W 1<sup>st</sup> Street Room 402  
Duluth, MN 55802

**Date:** December 1, 2014

**Location:** Atlas Industrial Park

**Planning Commission File Number:**

PL 14-171

**Proposal:** Concept Plan for Atlas Industrial Park

The above matter was submitted to the City of Duluth Planning Division for review and comment on November 7, 2014. Per UDC Section 50-37.5, the intent of the concept plan is to review general concepts for development of the site before applicants have incurred costs for engineering, soil, or storm water studies. The applicant has reviewed the concept plan with city staff, who have compiled the below comments for consideration prior to submitting an application for a preliminary plat. Please keep in mind that the comments from staff are based on the information provided to date and may not be all-inclusive; any further information provided as part of the preliminary plat may require additional design considerations.

Based on the Concept Plan for Atlas Industrial Park, prepared by LHB and revised 10/15/14, City staff have the following comments for your consideration:

1. Can the existing Ikonics property be included in this plat? If possible, this is the City's preference. With the proposed road network and the fact that they have an option to buy additional property, it would be a lot "cleaner" to include them in the platted property.
2. The City would like to request a wider right of way along East Spur Road (80' suggested) to allow for future traffic that may be generated as part of future development to the east of this site.
3. To allow for maximum connectivity, the City would like additional right of way connecting the cul de sac at the end of Nick Glumac Drive with existing TH 23. We believe this right of way could cross the Soil Management Area.
4. Please designate Lot 6 as an Outlot, since the Soil Management Area cannot be built on.
5. The utility and drainage easement should also be a pedestrian easement, and should be of sufficient size to allow at least 20 feet for construction of a trail, should it ever be deemed necessary, after space is allotted for stormwater ponds and other infrastructure.
6. Existing easements and new easements should be denoted separately on the plat.
7. Please label the purposes of easements 924436, 857171, and 924469.
8. Is the remainder of easement 851320 for the existing Nick Glumac Drive? If it becomes platted fully as suggested in #1 above, should the entire easement be extinguished?
9. Our GIS maps show an addition (railroad?) easement that would run across Lot 5 from southwest to northeast. Please verify.
10. Note that DEDA is required to build sidewalks in this subdivision with 5 years of platting (for existing roads) or when roads are built (for future roads). Given the rural section of existing Nick Glumac Drive, ensure that right of way width of 66' is sufficient to allow for sidewalk/trail construction in this

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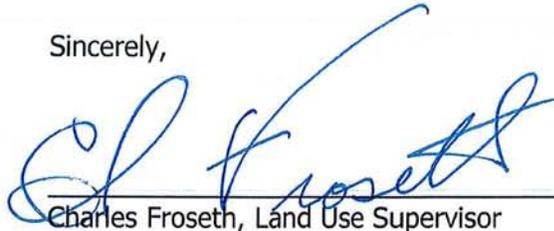
timeframe. We suggest that a plan, including cross sections, for construction of pedestrian accommodations be submitted with the preliminary plat application to indicate that 66' is sufficient right of way.

11. Has MnDOT District 1 reviewed this for TH 23 right of way needs?

12. A final note from Engineering staff: in the lower left corner of the exhibit, a notation reads, "SW Corner of Section 34, T49N R15W." It should instead read, "SW Corner of SE ¼ of Section 34, T49N, R15W."

Your next step in the subdivision process is to complete an application for a Preliminary Plat. See <http://www.duluthmn.gov/planning/current-planning/> for a checklist and application information, or feel free to contact us if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles Froseth", written over a horizontal line.

Charles Froseth, Land Use Supervisor

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Steven Robertson, Senior Planner  
City of Duluth Planning Division  
411 W 1<sup>st</sup> St, Room 208  
Duluth, MN 55802

April 3, 2015

Re: Response to Comments to Concept Plan for Atlas Industrial Park

Dear Mr. Robertson:

This letter is in response to your comments provided to the Duluth Economic Development Authority ("DEDA") on December 1, 2014 with respect to DEDA's Concept Plan for Atlas Industrial Park. You should also have received the Preliminary Plat information that we hope will be heard at the April 15, 2015 meeting of the Planning Commission. Please be in touch with my staff or me with any further questions you have in advance of that meeting.

1. Yes, IKONICS is now included in the plat.
2. The East Spur Road is a designed connection to the eventual right of way into the redeveloped US Steel site, which is not platted for 80'. Therefore, it does not make sense to build the East Spur Road to 80'.
3. It is not possible to place a road over the Soil Management Area any MNDOT restrictions are unknown. We do not see this as a feasible option.
4. We will designate Lot 6 as an Outlot.
5. We will record all utility easements also as pedestrian easements, though the easements will in no case be expanded beyond their current width.
6. We will denote existing easements and new easements on the plat.
7. We will label the purposes of easements 924436, 857171 and 924469.
8. Yes, as IKONICS is now becoming part of the plat, the entirety of the easement may become extinguished. It is still referred to as only a portion being recommended on the Preliminary Plat but this answer shall supersede the graphics and it should be an action item for the easement to be extinguished with simultaneous recording of the Final Plat.
9. The easement to which you are likely referring has been cleaned up through a title action. The easement was discovered after DEDA acquired the property and eventually was eliminated by adverse possession. Documentation to that effect should have been recorded.
10. We will provide a cross-section showing where sidewalks will fit on Nick Glumac Drive.
11. We will solicit comments from MNDOT at the next stage of the project. Initial conversations with MnDOT officials (John Hinzmann – District Surveyor) indicate they have no interest in acquiring additional ROW in that corridor. They are constricted by the newly built bridge and see no-to-limited value to further widen their corridor at this time.
12. We will amend the legal description to match the suggestion of Engineering.

Sincerely,

Chris Eng  
Executive Director

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**Uses Allowed in Industrial-General (I-G) Zone District  
Revised January 5, 2015**

Permitted Uses

- Adult entertainment establishment
- Data center
- Funeral home or crematorium
- Mini-storage facility
- Personal service and repair, large (10,000 sq. ft. or more)
- Adult book store
- Automobile and light vehicle repair and service
- Automobile and light vehicle sales, rental, or storage
- Filling station
- Parking lot or parking structure (primary use)
- Truck or heavy vehicle sales, rental, repair, or storage
- Contractor's shop and storage yard
- Dry cleaning or laundry plant
- Research laboratories
- Industrial services
- Manufacturing, light
- Manufacturing, heavy
- Airport and related facilities
- Railroad yard or shipyard and related facilities
- Truck freight or transfer terminal
- Electric power or heat generation plant
- Solar, geothermal, or biomass power facility (primary use)
- Water or sewer treatment facilities
- Wind power facility (primary use)
- Recycling collection point (primary use)
- Storage warehouse
- Wholesaling
- Bulk storage not listed elsewhere

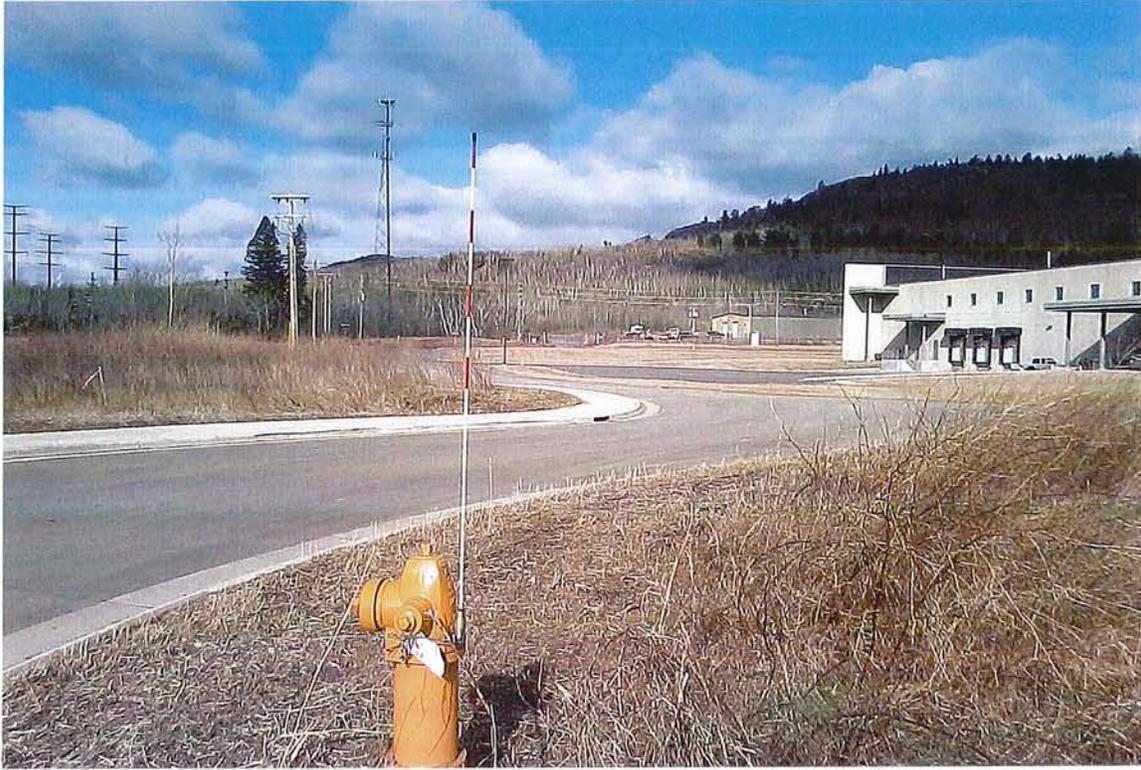
Special or Interim Uses

- Government building or public safety facility
- Manufacturing, hazardous or special
- Mining, extraction and storage
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Radio or television broadcasting tower
- Water or sewer pumping stations/reservoirs
- Junk and salvage services
- Solid waste disposal or processing facility

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