

MINUTES OF A PUBLIC HEARING CONDUCTED BY THE ST. LOUIS COUNTY PLANNING COMMISSION HELD VIRTUALLY ON THURSDAY, AUGUST 13, 2020.

9:00 AM – 10:22 AM

Planning Commission members in attendance: David Anderson
Steve Filipovich
Daniel Manick
Commissioner Keith Nelson
Dave Pollock
Roger Skraba – Vice Chair
Ray Svatos
Diana Werschay (at 9:05)

Planning Commission members absent: Sonya Pineo, Chair

Decision/Minutes for the following public hearing matters are attached:

NEW BUSINESS:

- A. Matthew Roderick Construction, a conditional use permit for a mini-storage business as a Commercial, Retail and Service Establishment-Class II.
- B. Eric Gruba, a conditional use permit for a roll-off business as an Industrial Use-Class II.
- C. Public Works, Brookston Facility, a conditional use permit to establish a Public Works maintenance facility as a Public/Semi-Public Use.

OTHER BUSINESS:

Motion by Manick/Pollock to approve the minutes of the July 9, 2020 meeting.

In Favor: Anderson, Filipovich, Manick, Nelson, Pollock, Skraba, Svatos – 7

Opposed: None – 0

Motion carried 7-0

Jenny Bourbonais, Acting Secretary, discussed the Duluth International Airport Zoning Ordinance which was sent to the Planning Commission. The Duluth International Airport Joint Zoning Board consists of the cities of Duluth, Hermantown and Rice Lake as well as Canosia Township and St. Louis County. St. Louis County is involved because they are the zoning authority for Canosia Township. Further discussion in regards to the Airport Zoning Ordinance will be scheduled for the September public hearing.

NEW BUSINESS:

Matthew Roderick Construction

The first hearing item was for Matthew Roderick Construction, a conditional use permit for a mini-storage business as a Commercial, Retail and Service Establishment-Class II. The property is located in S32, T63N, R12W (Morse). Commission member *Skraba* stated he knows the applicant but has no financial interest in this proposal. The Planning Commission did not have any issue

with him participating in the hearing. *Stephen Erickson*, St. Louis County Planner, reviewed the staff report as follows:

- A. The applicant is proposing a 128 foot by 50 foot mini-storage building.
- B. The hours of operation will be 9:00 AM until 6:00 PM Sunday through Saturday.
- C. The applicant is estimating less than 10 vehicles will enter/exit the site per day.
- D. The parcel is currently 16.5 acres in size and a parcel 11.5 acres in size will be retained by the applicant for the proposed use.
- E. The parcel has previously been used as a log cabin construction business and a small engine repair shop.
- F. In January 2020, a conditional use permit was approved for a masonry business on a parcel 6 acres in size that was subdivided from the current parent parcel.
- G. The property is just outside the city of Ely.

Stephen Erickson reviewed staff facts and findings as follows:

A. Plans and Official Controls:

1. Zoning Ordinance 62, Article V, Section 5.6, B., indicates that a mini-storage business is an allowed use with a conditional use permit, as a Commercial, Retail and Service Establishment- Class II.
2. The property falls within the Forest and Agriculture land use category of the St. Louis County Comprehensive Land Use Plan.
 - a. Goal LU-7 of the Plan is to provide sufficient opportunities for commercial development to serve local and regional markets throughout the county.
 - b. Objective LU 7.1- Encourage expansion of regional commercial opportunities in existing corridors along collector or arterial routes and at nodes where infrastructure and traffic volumes can support economic growth.

B. Neighborhood Compatibility:

1. The general area south and east of the proposed parcel consists of parcels approximately 40 acres in size. The parcels north of Highway 169 vary in size from 2 to 20 acres.
2. There is one permanent residence located directly across the highway from the proposed parcel and mini-storage business. There is also a residence approximately 500 feet east of the proposed use.
3. The proposed mini-storage business would likely be a compatible use with the neighborhood as the parcel has been historically used commercially.
4. Highway 169 is an arterial road that has a substantial amount of regular traffic.

C. Orderly Development:

1. The proposed use is bordered by a masonry business on the adjoining parcel to the west and a proposed roll-off business on the proposed 5 acre parcel to the east.
2. There is residential development to the north and east of the parcel.

D. Desired Pattern of Development:

1. The subject parcel, as well as a majority of the surrounding area, is zoned Multiple Use.
 - a. Multiple Use zone districts allow a wide range of uses.
 - b. A mini-storage business is an allowed use in a Multiple Use zone district with a conditional use permit.

2. The parcel has been used commercially. A conditional use permit was approved in January 2020 for commercial development on the parcel to the west and there is proposed commercial business to the east.

E. Other Factors:

1. In 1988 a conditional use permit was approved on the parent parcel for a log cabin manufacturing business.
2. In January 2020, a conditional use permit was approved for a masonry business and a parcel 6 acres in size was subdivided from the current parcel.
3. A roll-off business is proposed on the eastern 5 acres of the parcel.

Stephen Erickson noted one item of correspondence. The Town of Morse submitted a resolution that was provided to the Planning Commission prior to the hearing. The resolution noted concerns about removing additional vegetation and adequate access to Highway 169.

STAFF RECOMMENDATION

In the event that the Planning Commission determines that the proposal meets the criteria for granting a conditional use permit to allow a mini-storage as a Commercial, Retail and Service Establishment-Class II, the following conditions shall apply:

1. The applicant shall obtain approval for access from the appropriate road authority.
2. A Parcel Review shall be recorded prior to the issuance of a Conditional Use Permit.
3. The applicant shall comply with all county, state and federal regulations.
4. Lighting shall be directed downward in accordance with dark sky standards.
5. Existing vegetative screening along Highway 169 shall remain intact.

Matthew Roderick, the applicant, stated he had nothing to add and asked if there were any questions. He added they would verify with the Minnesota Department of Transportation (MNDOT) regarding the number of vehicles entering/exiting the property.

No audience members spoke.

Commission member *Filipovich* asked if there is any issue with more conditional use permits on this property. *Jenny Bourbonais*, Acting Secretary, stated that the zoning allows the number of proposed uses on the property.

MOTION

Motion by Svatos/Pollock to approve a conditional use permit to allow a mini-storage as a Commercial, Retail and Service Establishment-Class II, based on the following staff facts and findings:

A. Plans and Official Controls:

1. Zoning Ordinance 62, Article V, Section 5.6, B., indicates that a mini-storage business is an allowed use with a conditional use permit, as a Commercial, Retail and Service Establishment - Class II.
2. The property falls within the Forest and Agriculture land use category of the St. Louis County Comprehensive Land Use Plan.

- a. Goal LU-7 of the Plan is to provide sufficient opportunities for commercial development to serve local and regional markets throughout the county.
- b. Objective LU 7.1- Encourage expansion of regional commercial opportunities in existing corridors along collector or arterial routes and at nodes where infrastructure and traffic volumes can support economic growth.

B. Neighborhood Compatibility:

1. The general area south and east of the proposed parcel consists of parcels approximately 40 acres in size. The parcels north of Highway 169 vary in size from 2 to 20 acres.
2. There is one permanent residence located directly across the highway from the proposed parcel and mini-storage business. There is also a residence approximately 500 feet east of the proposed use.
3. The proposed mini-storage business would likely be a compatible use with the neighborhood as the parcel has been historically used commercially.
4. Highway 169 is an arterial road that has a substantial amount of regular traffic.

C. Orderly Development:

1. The proposed use is bordered by a masonry business on the adjoining parcel to the west and a proposed roll-off business on the proposed 5 acre parcel to the east.
2. There is residential development to the north and east of the parcel.

D. Desired Pattern of Development:

1. The subject parcel, as well as a majority of the surrounding area, is zoned Multiple Use.
 - a. Multiple Use zone districts allow a wide range of uses.
 - b. A mini-storage business is an allowed use in a Multiple Use zone district with a conditional use permit.
2. The parcel has been used commercially. A conditional use permit was approved in January 2020 for commercial development on the parcel to the west and there is proposed commercial business to the east.

E. Other Factors:

1. In 1988 a conditional use permit was approved on the parent parcel for a log cabin manufacturing business.
2. In January, 2020, a conditional use permit was approved for a masonry business and a parcel 6 acres in size was subdivided from the current parcel.
3. A roll-off business is proposed on the eastern 5 acres of the parcel.

The following conditions shall apply:

1. The applicant shall obtain approval for access from the appropriate road authority.
2. A Parcel Review shall be recorded prior to the issuance of a Conditional Use Permit.
3. The applicant shall comply with all county, state and federal regulations.
4. Lighting shall be directed downward in accordance with dark sky standards.
5. Existing vegetative screening along Highway 169 shall remain intact.

In Favor: Anderson, Filipovich, Manick, Nelson, Pollock, Skraba, Svatos, Werschay - 8

Opposed: None - 0

Eric Gruba

The second hearing item was for Eric Gruba, a conditional use permit for a roll-off business as an Industrial Use-Class II. The property is located in S32, T63N, R12W (Morse). Commission member *Skraba* stated he knows the applicant but has no financial interest in this proposal. The Planning Commission did not have any issue with him participating in the hearing. *Stephen Erickson*, St. Louis County Planner, reviewed the staff report as follows:

- A. The applicant is proposing to use an existing structure as an office/yard space for a roll-off business.
- B. The hours of operation will be 7:00 AM until 5:00 PM Monday through Friday.
- C. A parcel approximately 5 acres in size will be created and retained by the applicant for the proposed use.
- D. The parcel has previously been used as a log cabin construction and a small engine repair shop.
- E. In January 2020, a conditional use permit was approved for a masonry business on a parcel 6 acres in size that was subdivided from the current parent parcel.
- F. *Jenny Bourbonais*, Acting Secretary, stated that a site visit was done earlier this year and another county employee took photographs from the highway.

Stephen Erickson reviewed staff facts and findings as follows:

- A. Plans and Official Controls:
 1. Zoning Ordinance 62, Article V, Section 5.6, B., indicates that a roll-off business is an allowed use with a conditional use permit, as an Industrial Use-Class II.
 2. The property falls within the Forest and Agriculture land use category of the Comprehensive Land Use Plan.
 - a. Goal LU-7 of the Plan is to provide sufficient opportunities for commercial development to serve local and regional markets throughout the county.
 - b. Objective LU 7.1- Encourage expansion of regional commercial opportunities in existing corridors along collector or arterial routes and at nodes where infrastructure and traffic volumes can support economic growth.
- B. Neighborhood Compatibility:
 1. The general area south and east of the proposed parcel consists of parcels approximately 40 acres in size. The parcels north of Highway 169 vary in size from 2 to 20 acres.
 2. There is one permanent residence located directly across the highway from the proposed parcel and roll-off business. There is also a residence on the adjoining parcel to the east.
 3. The proposed roll-off business would likely be a compatible use with the neighborhood as the parcel has been historically used commercially.
 4. Highway 169 is an arterial road that has a substantial amount of regular traffic.
- C. Orderly Development:

1. The proposed use is bordered by a masonry business on the adjoining parcel to the west and a proposed roll-off business on the proposed 5 acre parcel (approximate) to the east.
2. There is residential development to the north and east of the parcel.

D. Desired Pattern of Development:

1. The subject parcel, as well as a majority of the surrounding area, is zoned Multiple Use.
 - a. Multiple Use zone districts allow a wide range of uses.
 - b. A roll-off business is an allowed use in a Multiple Use zone district with a conditional use permit.
2. The parcel has been used commercially. A conditional use permit was approved in January, 2020 for commercial development on the parcel to the west and there is proposed commercial development on the proposed adjoining parcel.

E. Other Factors:

1. In 1988 a conditional use permit was approved on the parent parcel for a log cabin manufacturing business.
2. In January 2020, a conditional use permit was approved for a masonry business and a parcel 6 acres in size was subdivided from the current parcel.
3. A mini-storage business is proposed on the western 11.5 acres of the parcel.

Stephen Erickson noted two items of correspondence from Deborah Kleese and David Litsenberger opposed to the proposal and the Town of Morse resolution. Both items were provided to the Planning Commission prior to the hearing.

STAFF RECOMMENDATION

In the event that the Planning Commission determines that the proposal meets the criteria for granting a conditional use permit to allow a roll-off business as an Industrial Use-Class II, the following conditions shall apply:

1. The applicant shall obtain approval for access from the appropriate road authority.
2. A Parcel Review shall be recorded prior to the issuance of a Conditional Use Permit.
3. The applicant shall comply with all county, state and federal regulations.
4. Lighting shall be directed downward in accordance with dark sky standards.
5. A plan to enhance vegetation shall be submitted, approved by the county, and implemented by the property owner no later than one year from date of permit issuance.

Eric Gruba, the applicant, stated that he has to follow federal regulations and cannot store refuse at the site. The site will be used to store equipment and empty bins. There are 28 bins but most of the time they are off-site. At any time he might have 3-4 containers on the site and there could be more in the winter. He will plant vegetation to conceal these containers from the highway.

No audience members spoke.

The *Planning Commission* discussed the following:

- A. Commission member *Svatos* asked how much/how many containers will be stored on the property at one time. The application stated there would be less than 10 vehicles per day at the site.
- B. Commission member *Manick* asked if refuse could be stored on site. There could be trouble with wildlife getting into the refuse and a condition may be necessary to address this issue. *Jenny Bourbonais* stated that while this is not a current condition regarding refuse storage, the Planning Commission could add one.
- C. Commission member *Pollock* added that the application stated that all refuse would be stored in proper containers and disposed of at the Northwoods transfer station.
- D. Commission member *Skraba* stated there could be an emergency where refuse would have to be stored on a truck. *Eric Gruba* stated that even if there was an emergency, these containers would have to be dumped immediately within a day. The container would stay on the truck and it would not go onto the property.
- E. Commission members discussed if a condition would be necessary in order to not store refuse on the site. Commission member *Filipovich* suggested that the condition could include perishable materials since nonperishable would not create any trouble with wildlife. Commission member *Nelson* stated that the Solid Waste Ordinance will address the refuse concerns.
- F. *Jenny Bourbonais* added that a condition to meet the Solid Waste Ordinance 45 could be added.

DECISION

Motion by Anderson/Nelson to approve a conditional use permit to allow a roll-off business as an Industrial Use-Class II, based on the following staff facts and findings:

- A. Plans and Official Controls:
 - 1. Zoning Ordinance 62, Article V, Section 5.6, B., indicates that a roll-off business is an allowed use with a conditional use permit, as an Industrial Use-Class II.
 - 2. The property falls within the Forest and Agriculture land use category of the Comprehensive Land Use Plan.
 - a. Goal LU-7 of the Plan is to provide sufficient opportunities for commercial development to serve local and regional markets throughout the county.
 - b. Objective LU 7.1- Encourage expansion of regional commercial opportunities in existing corridors along collector or arterial routes and at nodes where infrastructure and traffic volumes can support economic growth.
- B. Neighborhood Compatibility:
 - 1. The general area south and east of the proposed parcel consists of parcels approximately 40 acres in size. The parcels north of Highway 169 vary in size from 2 to 20 acres.
 - 2. There is one permanent residence located directly across the highway from the proposed parcel and roll-off business. There is also a residence on the adjoining parcel to the east.
 - 3. The proposed roll-off business would likely be a compatible use with the neighborhood as the parcel has been historically used commercially.
 - 4. Highway 169 is an arterial road that has a substantial amount of regular traffic.
- C. Orderly Development:

1. The proposed use is bordered by a masonry business on the adjoining parcel to the west and a proposed roll-off business on the proposed 5 acre parcel (approximate) to the east.
2. There is residential development to the north and east of the parcel.

D. Desired Pattern of Development:

1. The subject parcel, as well as a majority of the surrounding area, is zoned Multiple Use.
 - a. Multiple Use zone districts allow a wide range of uses.
 - b. A roll-off business is an allowed use in a Multiple Use zone district with a conditional use permit.
2. The parcel has been used commercially. A conditional use permit was approved in January, 2020 for commercial development on the parcel to the west and there is proposed commercial development on the proposed adjoining parcel.

E. Other Factors:

1. In 1988 a conditional use permit was approved on the parent parcel for a log cabin manufacturing business.
2. In January 2020, a conditional use permit was approved for a masonry business and a parcel 6 acres in size was subdivided from the current parcel.
3. A mini-storage business is proposed on the western 11.5 acres of the parcel.

The following conditions shall apply:

1. The applicant shall obtain approval for access from the appropriate road authority.
2. A Parcel Review shall be recorded prior to the issuance of a Conditional Use Permit.
3. The applicant shall comply with all county, state and federal regulations.
4. Lighting shall be directed downward in accordance with dark sky standards.
5. A plan to enhance vegetation shall be submitted, approved by the county, and implemented by the property owner no later than one year from date of permit issuance.
6. Waste shall be disposed of in a manner acceptable to the St. Louis County Solid Waste Ordinance 45.

In Favor: Anderson, Filipovich, Manick, Nelson, Pollock, Skraba, Svatos, Werschay - 8

Opposed: None - 0

Motion carries 8-0

St. Louis County Public Works, Brookston Facility

The third hearing item was for St. Louis County Public Works Brookston Facility, a conditional use permit to establish a Public Works maintenance facility as a Public/Semi-Public Use. The property is located in S22, T51N, R18W (Culver). *George Knutson*, St. Louis County Planner, reviewed the staff report as follows:

- A. St. Louis County Public Works is requesting to replace an existing maintenance facility located at 4831 Highway 31 in Brookston with a new facility to be located on the proposed 13.23 acre subject parcel.

- B. The facility will include the use and storage of dump trucks, graders, road maintenance equipment, sand storage and other Public Works' material/equipment.
- C. The normal hours of operation are from 7:00 AM until 4:00 PM Monday through Friday.
- D. Winter road maintenance will extend daily hours and include Saturday and Sunday for snow plowing.
- E. The project will be developed in phases with phase one planned for this fall.
- F. The applicant provided a more detailed description of each phase:
 - a. Phase one is clearing and installation of fuel tanks.
 - b. Phase two is the installation of a sand/salt dome and a cold storage building which is proposed within two to three years.
 - c. Phase three is for a shop/garage which is proposed within five to seven years.
- G. This property is currently tax-forfeit. The property will be conveyed from the Land and Minerals Department and transferred as county-owned fee land for the purpose of this new facility. The parcel will include the NW corner of the parcel with a 4 acre adjacent rectangle to the west.

George Knutson reviewed staff facts and findings as follows:

- A. Plans and Official Controls:
 - 1. Zoning Ordinance 62, Article V, Section 5.6, requires a conditional use permit for a Public/Semi-Public Use.
 - 2. The property falls within the Forest and Agriculture Area of the St. Louis County Comprehensive Land Use Plan.
- B. Neighborhood Compatibility:
 - 1. The property is zoned Multiple Use which allows for multiple uses including residential, commercial, industrial, and public/semi-public use. The majority of the area consists of large undeveloped tracts. There are some developed parcels including 7 residences within a half mile of the subject parcel and public/semi-public uses.
- C. Orderly Development:
 - 1. The area consists of mostly large tracts of undeveloped land. There is some development of parcels including residential dwellings, Culver Cemetery, and Culver's Town Hall/Fire Hall, which are also public/semi-public uses. The use of the maintenance facility should have little to no effect on the future development of the surrounding area.
- D. Desired Pattern of Development:
 - 1. The pattern of development in the area consists of residential and public/semi-public uses, all of which are allowed within the underlying zoning.
 - 2. The location and character of the proposal are consistent with a desirable pattern of development because the proposed use is located in a rural area with low density development.

George Knutson noted one item of correspondence from Marge Peterson with concerns about the proposal. This item was provided to the Planning Commission prior to the hearing.

STAFF RECOMMENDATION

In the event that the Planning Commission determines that the proposal meets the criteria for granting a conditional use permit to allow a Public Works maintenance facility as a Public/Semi-Public Use, the following conditions shall apply:

Condition Precedent:

1. Applicant shall obtain approval access from the appropriate road authority.

Conditions Concurrent:

1. Lighting shall be directed downward in accordance with dark sky standards.
2. Signs shall be in accordance with St. Louis County Zoning Ordinance 62.
3. The applicant shall comply with all county, state, and federal regulations.

Ross Benedict, St. Louis County Public Works, stated their development is 900 feet from the river and their stormwater treatment area will be 1,300 feet from the river. The stormwater treatment area will be utilized for all development of the site to ensure runoff is handled properly. Highway 31 is scheduled for resurfacing next year and culvert replacement will be a part of that.

No audience members spoke.

The *Planning Commission* discussed the following:

- A. Commission member *Filipovich* asked what the setback from the river is. *George Knutson* stated that the river is about 700 feet from where the development will be located.
- B. Commission member *Filipovich* asked if the elevation change comes into play at all. *George Knutson* stated the topography is fairly flat in the area where the development is proposed.

DECISION

Motion by Manick/Nelson to approve a conditional use permit to allow a Public Works maintenance facility as a Public/Semi-Public Use, based on the following staff facts and findings:

A. Plans and Official Controls:

1. Zoning Ordinance 62, Article V, Section 5.6 requires a conditional use permit for a Public/Semi-Public Use.
2. The property falls within the Forest and Agriculture Area of the St. Louis County Comprehensive Land Use Plan.

B. Neighborhood Compatibility:

1. The property is zoned Multiple Use which allows for multiple uses including residential, commercial, industrial, and public/semi-public use. The majority of the area consists of large undeveloped tracts. There are some developed parcels including 7 residences within a half mile of the subject parcel and public/semi-public uses.

C. Orderly Development:

1. The area consists of mostly large tracts of undeveloped land. There is some development of parcels including residential dwellings, Culver Cemetery, and Culver's Town Hall/Fire Hall, which are also public/semi-public uses. The use of the maintenance facility should have little to no effect on the future development of the surrounding area.

D. Desired Pattern of Development:

1. The pattern of development in the area consists of residential and public/semi-public uses, all of which are allowed within the underlying zoning.
2. The location and character of the proposal are consistent with a desirable pattern of development because the proposed use is located in a rural area with low density development.

The following conditions shall apply:

Condition Precedent:

1. Applicant shall obtain approval access from the appropriate road authority.

Conditions Concurrent:

1. Lighting shall be directed downward in accordance with dark sky standards.
2. Signs shall be in accordance with St. Louis County Zoning Ordinance 62.
3. The applicant shall comply with all county, state, and federal regulations.

In Favor: Anderson, Filipovich, Manick, Nelson, Pollock, Skraba, Svatos, Werschay - 8

Opposed: None - 0

Motion carries 8-0

Motion to adjourn by Pollock. The meeting was adjourned at 10:22 a.m.