

**MINUTES OF A PUBLIC HEARING CONDUCTED BY THE ST. LOUIS COUNTY PLANNING COMMISSION HELD VIRTUALLY ON THURSDAY, DECEMBER 10, 2020.**

9:00 AM – 10:05 AM

Planning Commission members in attendance: David Anderson  
Steve Filipovich  
Daniel Manick  
Commissioner Keith Nelson  
Sonya Pineo, Chair  
Dave Pollock  
Roger Skraba  
Ray Svatos  
Diana Werschay

Planning Commission members absent: None

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

**NEW BUSINESS:**

- A. John Bougalis, a conditional use permit for a warehouse/general wholesaling business as an Industrial Use – Class II.
- B. Warren Johnson, a preliminary subdivision plat consisting of nine lots.

**OTHER BUSINESS:**

**Motion by Skraba/Filipovich** to approve the minutes of the November 12, 2020 meeting.

**In Favor:** Anderson, Filipovich, Manick, Pineo, Pollock, Skraba, Svatos, Werschay – 8

**Opposed:** None – 0

**Abstained:** Nelson - 1

**Motion carried 8-0-1**

*Jenny Bourbonais*, Acting Secretary, stated there will be no January 2021 public hearing. There will be a Zoning Ordinance amendment workshop on the regularly scheduled January 14, 2021 date. The Zoning Ordinance will need to be amended to add the provisions for the Duluth International Joint Airport Ordinance.

**NEW BUSINESS:**

**John Bougalis**

The first hearing item was for John Bougalis, a conditional use permit for a warehouse/general wholesaling business as an Industrial Use – Class II. The property is located in S33, T59N, R20W (Balkan). *Mark Lindhorst*, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. The applicant is proposing to establish a warehouse/general wholesaling business.
- B. The applicant will utilize existing buildings located on the site.

- C. The buildings will contain office space and a storage area for mining parts to be stored and shipped.
- D. The business will receive and ship out parts to customers. No daily customer traffic is anticipated.
- E. The proposed hours of operation will be 7:00 AM until 4:00 PM, Monday through Friday.

*Mark Lindhorst* 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 an Industrial Use - Class II.
- 2. ED 1.1 of the St. Louis County Comprehensive Land Use Plan states the following “Broaden the industry base by supporting marketing efforts for value-added industries that spin-off from existing industries.” This business will be supplying mining parts to local and outstate mining industries.

B. Neighborhood Compatibility:

- 1. The property is zoned Multiple Use (MU)-4 which allows for multiple uses including industrial, commercial and residential.
- 2. There are eight residential properties within one-quarter mile. The closest is the adjacent property to the east approximately 200 feet away.
- 3. The proposed business will not be selling to the general public, limiting daily traffic and noise that could be considered a nuisance to the area.

C. Orderly Development:

- 1. The existing neighborhood consists of both large and small tracts of land. The properties have either been established with a residence or consist of undeveloped forest land and fields.
- 2. The property has direct access to a township road. It is recommended that the road authority approve the access for the proposed use.

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. The proposed use should have little to no effect on the current or future development of the area.

*Mark Lindhorst* noted no items of correspondence.

**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 warehouse/wholesaling business as an Industrial Use - Class II, the following conditions shall apply:

Condition Precedent

- 1. The applicant shall obtain access approval from the appropriate road authority.

Conditions Concurrent:

1. The property shall be kept in a neat and orderly manner.
2. Signs shall be in accordance with St. Louis County Zoning Ordinance 62.
3. Waste shall be disposed in a manner acceptable to the St. Louis County Solid Waste Ordinance 45.

*John Bougalis*, the applicant, stated there are no residences to one side or to the back of the building. He will ensure deliveries that come in after-hours park in the areas furthest away from residences. He asked what to do about contacting the proper road authority.

*Jenny Bourbonais*, Acting Secretary, responded that there needs to be written confirmation from the road authority stating there would be no issue or impact to the existing access road. *Mark Lindhorst* added this is a Balkan Township road and there would need to be written confirmation that the township has no issues with the size and use of the entrance onto the township road.

No audience members spoke.

The *Planning Commission* discussed the following:

- A. Commission member *Filipovich* asked if all deliveries will be coming in to the property. *Mark Lindhorst* stated yes, there would be deliveries when parts come in and parts go out. Commission member *Filipovich* stated the trucks that come in could park the furthest away from any residential areas, especially after-hours.
- B. Commission member *Svatos* asked about the size of mining parts. *John Bougalis* stated these will be smaller parts used for and inside the plant and not larger, mobile equipment.

## DECISION

**Motion by Skraba/Nelson** to approve a conditional use permit to allow a warehouse/wholesaling 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, requires a conditional use permit for an Industrial Use - Class II.
  2. ED 1.1 of the St. Louis County Comprehensive Land Use Plan states the following: "Broaden the industry base by supporting marketing efforts for value-added industries that spin-off from existing industries." This business will be supply mining parts to local and outstate mining industries.
- B. Neighborhood Compatibility:
  1. The property is zoned Multiple Use (MU)-4 which allows for multiple uses including, industrial, commercial and residential.
  2. There are eight residential properties within one-quarter mile. The closest is the adjacent property to the east approximately 200 feet away.
  3. The proposed business will not be selling to the general public, limiting daily traffic and noise that could be considered a nuisance to the area.

- C. Orderly Development:

1. The existing neighborhood consists of both large and small tracts of land. The properties have either been established with a residence or consist of undeveloped forest land and fields.
2. The property has direct access to a township road. It is recommended that the road authority approve the access for the proposed use.

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. The proposed use should have little to no effect on the current or future development of the area.

The following conditions shall apply:

Condition Precedent

1. The applicant shall obtain access approval from the appropriate road authority.

Conditions Concurrent:

1. The property shall be kept in a neat and orderly manner.
2. Signs shall be in accordance with St. Louis County Zoning Ordinance 62.
3. Waste shall be disposed in a manner acceptable to the St. Louis County Solid Waste Ordinance 45.

**In Favor:** Anderson, Filipovich, Manick, Nelson, Pineo, Pollock, Skraba, Svatos, Werschay - 9

**Opposed:** None - 0

**Motion carries 9-0**

**Warren Johnson**

The second hearing item was for Warren Johnson, a preliminary subdivision plat consisting of nine lots. The property is located in S35, T61N, R13W (Unorganized). Commission members *Skraba* and *Svatos* disclosed that they know the applicant from the hearing, Warren Johnson, but are not familiar with the project and have no financial stake in the project. The Planning Commission did not ask that they recuse themselves.

*Mark Lindhorst*, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. The applicant is proposing nine platted lots, ranging from 5.28 acres to 10.89 acres.
- B. Two platted roads have already been partially constructed.
- C. Wetlands have been delineated and approved.
- D. Septic and building site areas have been identified.
- E. There is a power line that runs through the middle of the property.

*Mark Lindhorst* reviewed staff facts and findings as follows:

- A. Plans and Official Controls:
  1. Subdivision Ordinance 60, Article VIII, Section 8.1, requires that subdivisions by plat are subject to a public hearing at the preliminary plat stage.

2. A portion of the property falls within the Community Growth category of the future land use map. This identifies preferred areas for expansion of communities that have a reasonable potential to grow. This category is intended for both incorporated and unincorporated areas. The proposed plat is within one-quarter mile of the incorporated limits of the City of Babbitt.
3. Goal LU-4 of the St. Louis County Comprehensive Plan states that development shall proceed in an orderly, efficient and fiscally responsible manner and ensure that development opportunities in isolated areas are self-supporting.

B. Neighborhood Compatibility:

1. A portion of the plat will be adjacent to the plat of North Babbitt which has seen development since the mid 1960's. The surrounding area is zoned Multiple Use and Residential which allows for residential development. The property to the south is zoned Commercial.

C. Orderly Development:

1. The intended purpose of the proposed plat is to provide suitable residential development that addresses road access, lot coverage, suitable building and septic areas, as well as stormwater management.

D. Desired Pattern of Development:

1. The pattern of development in the area consist of residential development to the east and commercial development to the south. The residential area to the east has been developed since the early 1960's. As stated in the St. Louis County Comprehensive Land Use Plan, this area has been identified as an area for future community growth.

E. Other Factor:

1. A Phase I Environmental Site Assessment was completed on the property and revealed no evidence of recognized environmental conditions and no further investigation is recommended.

*Mark Lindhorst* noted no items of correspondence.

**STAFF RECOMMENDATION**

In the event that the Planning Commission determines that the proposal meets the criteria for preliminary plat approval, the following conditions shall apply:

1. The requirements of the Minnesota Wetland Conservation Act shall be followed.
2. The platted roads shall be constructed and approved by St. Louis County Public Works prior to recording.
3. All other county, state, and federal requirements shall be followed.

*Warren Johnson*, the applicant, stated that the southern 40 acre parcel was logged in the 1980s and was replanted by Potlatch Corporation. While covenants are difficult to enforce, he asked the Planning Commission to consider three things:

1. He would like for the platted roads (Britta Road and Allyson Way) to be private roads, not public roads.
2. These lots should not be subdivided any smaller than proposed right now.
3. He would like to have a 30 foot property line setback to any structure. St. Louis County requires a 20 foot setback.

*Randy Morton*, JPJ Engineering, was present as the engineer who laid out the plat. He stated there are two types of dedications in a plat; the first is a public roadway and the second is drainage and utility easements. He has done it both ways with a public and a private road. There is a portion in the dedication that states what is being dedicated to the public. He has worked on several private plats in the past.

No other audience members spoke.

The *Planning Commission* discussed the following:

- A. Commission member *Skraba* asked about the Commercially-zoned property south of the subdivision; will it be an issue for any commercial use that close to the residential use? *Mark Lindhorst* stated there is only a small part of the Commercial (COM)-11 zone district on the southern part of Highway 21. There is another 20 acre parcel between the proposed plat and the COM-11 zoning area.
- B. Commission member *Svatos* asked if there is tree plantation on the southern part of the plat. *Mark Lindhorst* stated it looked like natural trees when he was on-site.
- C. Commissioner *Nelson* stated the county is not taking on any new public roads. Once these roads are platted, are they not open to the public to traverse? Commissioner *Nelson* added they should be made available to the public, especially if there is further development behind the subdivision.
- D. Commission member *Filipovich* stated he has never seen these restrictions on how the applicant would be able to use the land and override the existing zoning. *Jenny Bourbonais* stated there does not need to be a condition regarding the public roads; Public Works will determine what needs to be done for the road and it is their final decision.
- E. Commission member *Skraba* stated when platting property, the public's access to the property is dedicated. If the applicant wants to add covenants to make the road private, but part of the platting process is that this is public. The intent is to open this up to the public.
- F. Commission member *Skraba* stated he has no issue with the applicant's other requests to allow no further subdividing or adding a 30 foot setback. *Jenny Bourbonais* stated that "no further subdivision" could be a condition placed by the Planning Commission. While this is not a typical condition, this could be placed as a covenants by the applicants for them to enforce. As far as the setback goes, this should not be a condition because this is not about changing the zoning. The applicant could add this as a private covenant to enforce. Commission member *Skraba* asked if the rationale is because this type of zoning is more restrictive? *Jenny Bourbonais* stated that this adds limitations to future development and could cause confusion.
- G. *Jenny Bourbonais* added that the road and dedication needs to go through the county process to work out these issues. Part of this review is done and approved by the Public Works and other county departments.

- H. Commission member *Manick* stated it would have been nice to have these three items the applicant asked the Planning Commission to consider prior to the hearing date.
- I. Commissioner *Nelson* stated those that buy these platted lots should be able to do what they want with them and that includes subdividing a piece off of an existing lot.
- J. Commission member *Pollock* questioned if the three requests by the applicant are a part of the motion. Commission chair *Pineo* confirmed they are not.

**DECISION**

**Motion by Manick/Nelson** to approve a preliminary plat and to forward to the County Board for final plat approval, with the recommended conditions:

1. The requirements of the Minnesota Wetland Conservation Act shall be followed.
2. The platted roads shall be constructed and approved by St. Louis County Public Works prior to recording.
3. All other county, state, and federal requirements shall be followed.

**In Favor:** Anderson, Filipovich, Manick, Nelson, Pineo, Pollock, Skraba, Svatos, Werschay - 9

**Opposed:** None - 0

**Motion carries 9-0**

**Motion to adjourn by Skraba. The meeting was adjourned at 10:05 a.m.**