# ST. LOUIS COUNTY PLANNING COMMISSION STAFF REPORT 

## APPLICANT INFORMATION

APPLICANT NAME: Peter Niska
APPLICANT ADDRESS: 1963 Johnson Rd Ext., Cook, MN 55723
OWNER NAME: BUS MAINTENANCE SERVICES CO (applicant's business)
SITE ADDRESS: 9163 HWY 53, COTTON, MN 55724
LEGAL DESCRIPTION: Please see Exhibit A
PARCEL IDENTIFICATION NUMBER (PIN): 305-0020-01712, 305-0020-01720, 305-0020-01700
NATURE OF REQUEST: A conditional use permit for establishing a Residential Use in a Commercial Zone District.

PROPOSAL DETAILS: The property was historically used for school bus storage. The applicant is proposing to convert the former school bus garage into a dwelling. The property is zoned Commercial $(C O M)-11$. St. Louis County Ordinance requires CUP approval for establishing a residence within a commercial zone district.

PARCEL AND SITE INFORMATION

ROAD ACCESS NAME/NUMBER: Frontage Rd

LAKE NAME: N/A
RIVER NAME: N/A

ROAD FUNCTIONAL CLASS: Local

LAKE CLASSIFICATION: N/A
RIVER CLASSIFICATION: N/A

DESCRIPTION OF DEVELOPMENT ON PARCEL: The property is currently developed with an accessory structure and parking area.

ZONE DISTRICT: COM 11
PARCEL ACREAGE: 2.7 acres
LOT WIDTH: 215 FEET

FEET OF ROAD FRONTAGE: 107 FEET
FEET OF SHORELINE FRONTAGE: NA

## PARCEL AND SITE INFORMATION

VEGETATIVE COVER/SCREENING: There is adequate screening from property lines.
TOPOGRAPHY: The property is relatively flat.

WETLAND ISSUES: NA

## FACTS AND FINDINGS

## A. Plans and Official Controls:

1. Zoning Ordinance 62, Article V, Section 5.6 E, states that a Residential Use - Class I is an allowed use in the Commercial zone district with a conditional use permit.
2. The St. Louis County Comprehensive Land Use Plan Objective LU-4.3 encourages infill, redevelopment, or reuse of vacant commercial or industrial properties.
B. Neighborhood Compatibility:
3. The area is zoned COM-11, however, there are existing residential uses adjacent to the subject property.
4. The surrounding area consists of rural residential properties, public/semi-public uses, commercial uses, and vacant properties.
5. The property is located along the heavily traveled Highway 53.

## C. Orderly Development:

1. The property is already developed with existing road access with no additional proposed structures. Historically, the property was a school district bus garage.
D. Desired Pattern of Development:
2. The existing pattern of development includes a variety of uses in the immediate area.
3. This property is zoned Commercial, however, adjacent properties are used residentially.
4. The property is located in the Rural Communities category on future land use maps. Primary use within this category include single family residential use.
E. Other Factor(s):
5. The property was split off from the former school property in 2013.
6. The applicant currently has a SSTS permit to construct for the dwelling.

## PLANNING COMMISSION CRITERIA FOR APPROVAL OF A CONDITIONAL USE PERMIT

## 1. Does the use conform to the land use plan?

2. Is the use compatible with the existing neighborhood?
3. Will the use impede the normal and orderly development and improvement of the surrounding area?
4. Is the location and character of the proposed use considered consistent with a desirable pattern of development?
5. What, if any, other factors should be taken into consideration on this case?

## RECOMMENDED CONDITIONS, IF APPROVED

If the Planning Commission determines that the proposal meets the criteria for granting a conditional use permit to allow a Residential Use - Class I, the following conditions shall apply:

1. St. Louis County On-site Wastewater SSTS standards shall be followed.
2. The applicant shall comply with all applicable local, state, and federal regulations.
3. If the zone district remains Commercial, no additional Conditional Use Permits shall be required for future Residential Uses.

## Exhibit A: Legal Description

PART OF NW1/4 OF SE1/4 LYING SLY OF A LINE COMM AT NE COR THENCE SLY ALONG E LINE 331 FT TO PT OF BEG THENCE RT 88DEG48'00" WLY TO W LINE OF SAID NW1/4 OF SE1/4 EX THAT PART OF NW1/4 OF SE1/4 BEG 331 FT S OF NE COR RUNNING THENCE S 608 FT THENCE W 670 FT THENCE N 600 FT THENCE ELY TO PT OF BEG \& EX ALL THAT PART OF NW $1 / 4$ OF SE1/4 LYING WITHIN DESC: COMMENCING AT NE COR OF SAID NW1/4 OF SE1/4 THENCE S00DEG22'27"E ALONG E LINE OF SAID NW1/4 OF SE1/4 828 FT TO PT OF BEG THENCE S88DEG25'33"W 154.88 FT THENCE S25DEG 50'09"W 116 FT THENCE S04DEG46'53"W 391.23 FT TO S LINE OF SAID NW $1 / 4$ OF SE $1 / 4$ THENCE S88DEG58'40"W ALONG SAID S LINE 1086.29 FT TO W LINE OF SAID NW1/4 OF SE $1 / 4$ THENCE N00DEG25'34"W ALONG SAID W LINE 978.42 FT TO A LINE BEARING S88DEG25'33"W FROM A PT ON E LINE OF SAID NW1/4 OF SE1/4 BEING 331 FT S OF NE COR THEREOF THENCE N88DEG25'33"E ALONG SAID LINE 1233.84 FT TO WLY R/W OF STATE HWY \#53 THENCE SELY ALONG SAID R/W 528.21 FT TO A LINE WHICH BEARS N88DEG25'33"E FROM PT OF BEG THENCE S88DEG25'33"W 89.16 FT TO PT OF BEG

And
THAT PART OF NW1/4 OF SE $1 / 4$ BEG 331 FT S OF NE CORNER RUNNING THENCE S 608 FT THENCE W 670 FT THENCE N 600 FT THENCE ELY TO PT OF BEG EX THAT PART OF NW $1 / 4$ OF SE $1 / 4$ LYING WITHIN DESC: COMM AT NE COR OF SAID NW1/4 OF SE1/4 THENCE S00DEG22'27"E ALONG E LINE OF SAID NW $1 / 4$ OF SE $1 / 4828$ FT TO PT OF BEG THENCE S88DEG25'33"W 154.88 FT THENCE S25DEG 50'09"W 116 FT THENCE S04DEG46'53"W 391.23 FT TO S LINE OF SAID NW1/4 OF SE $1 / 4$ THENCE S88DEG58'40"W ALONG SAID S LINE 1086.29 FT TO W LINE OF SAID NW1/4 OF SE1/4 THENCE N00DEG25'34"W ALONG SAID W LINE 978.42 FT TO A LINE BEARING S88DEG25'33"W FROM A PT ON E LINE OF SAID NW1/4 OF SE1/4 BEING 331 FT S OF NE COR THEREOF THENCE N88DEG25'33"E ALONG SAID LINE 1233.84 FT TO WLY R/W OF STATE HWY \#53 THENCE SELY ALONG SAID R/W 528.21 FT TO A LINE WHICH BEARS N88DEG25'33"E FROM PT OF BEG THENCE S88DEG25'33"W 89.16 FT TO PT OF BEG

And
THAT PART OF NE1/4 OF SE1/4 LYING W OF HWY \& BETWEEN TWO LINES DRAWN PARALLEL WITH N LINE OF SAID NE1/4 OF SE1/4 AND 331 FT \& 931 FT DISTANT THEREFROM EX PART LYING WITHIN FOLLOWING DESC: COMM AT NE COR OF NW1/4 OF SE1/4 THENCE S00DEG22'27"E ALONG E LINE OF SAID NW $1 / 4$ OF SE1/4 828 FT TO PT OF BEG THENCE S88DEG25'33"W 154.88 FT THENCE S25DEG 50'09"W 116 FT THENCE S04DEG46'53"W 391.23 FT TO S LINE OF SAID NW1/4 OF SE $1 / 4$ THENCE S88DEG58'40"W ALONG SAID S LINE 1086.29 FT TO W LINE OF SAID NW1/4 OF SE1/4 THENCE N00DEG25'34"W ALONG SAID W LINE 978.42 FT TO A LINE BEARING S88DEG25'33"W FROM A PT ON E LINE OF SAID NW1/4 OF SE1/4 BEING 331 FT S OF NE COR THEREOF THENCE N88DEG25'33"E ALONG SAID LINE 1233.84 FT TO WLY R/W OF STATE HWY \#53 THENCE SELY ALONG SAID R/W 528.21 FT TO A LINE WHICH BEARS N88DEG25'33"E FROM PT OF BEG THENCE S88DEG25'33"W 89.16 FT TO PT OF BEG

Of Section 10, Township 54N, Range 17W (Cotton)

*Indicates required field. Incomplete applications will be returned.

## Conditional Use Permit (CUP) <br> WORKSHEET St. Louis County, Minnesota

About: Land Use Permits are required for most building construction activities. They are also required for a variety of other uses. For more information, check out our website at: www.stlouiscountymn.gov/land-use
WHAT ARE YOU APPLYING FOR check all that apply to the project. PLEASE MAKE CHECKS TO: ST. LOUIS COUNTY AUDITOR
\#1 New Buildings Less than/ equal to 1,200 square feet- $\$ 165$
Greater than 1,200 square feet-\$325
$\square$ Dwelling-Home, Mobile Home, Hunting Shack, or Cabin. (Includes attached deck, if applicable.)
$\square$ Replacement of Existing Dwelling-Home, Mobile Home, Hunting Shack, or Cabin. Will the old dwelling be removed from the property? $\square$ Yes $\square$ No

If yes, an affidavit must be filled out stating when the old dwelling will be removed.

If this dwelling is a mobile home, there is a special mobile home affidavit to be filled out.
$\square$ Accessory Dwelling-Guest cottage or bunkhouse. Must follow administrative standards.
$\square$ Accessory Structure- Garage, Pole Building, shed, sauna, screenhouse or gazebo that either meets lake or river setback or not located in a shoreland area.
$\square$ Water-oriented Accessory Structure-
Boathouse, Sauna, Screenhouse/gazebo on a lake or river located at reduced shoreline setback. Must follow administrative standards.Commercial Structure
Other Principal Structure
\# 2 Other Construction/ Change in Use-\$85
$\square$ Additions) to Dwelling
Is the dwelling location on a lake or river? $\square$ Yes $\square$ No If Yes above, does the structure meet the required shoreline setback? $\square$ Yes $\square$ No If No, structure does not meet the shoreline setback, a performance standard permit or variance may be required. See box \#4 or \#7.
$\square$ Additions) to Accessory Structure
New Deck Only or Deck Replacement
$\square$ Combination Additions) \& Deck on the same structure
$\square$ Moving a Structure
Sign
$\square$ Structure Alteration or Component Replacement
$\square$ Change in Use (i.e. converting an old cabin to storage)
What will the new use of the structure be? Explain the current and proposed use.
Current: Proposed:

## Other-\$60

$\square$ Permit extension beyond 2 years
\#3 Subdivisions/Parcel Reviews Additional Worksheets Required
$\square$ Plat-Minor Subdivision-\$650
$\square$ Conventional or Conservation Plat-Less than or equal to
3 lots -\$650
$\square$ Conventional or Conservation Plat-Greater than 3 Lots-
\$1,300
$\square$ Lot Line Adjustment -\$85
$\square$ Parcel Review- $\mathbf{\$ 8 5}$
Performance Standard Subdivision-\$385
\#4 Performance Standard-\$385 Additional Worksheets Required

## $\square$ Borrow/Gravel Pit

$\square$ Home Business
$\square$ Land Alteration
$\square$ Nonconforming Structure Replacement
$\square$ Addition to a structure that does not meet shoreline setback
$\square$ Other

## \#5 Site Evaluation

$\square$ Site Visit/Evaluation-\$165

## \#6 Wetland Reviews

Additional Worksheets Required
$\square$ No Loss/Exemption/Replacement Plan-
\$165
$\square$ Wetland Delineation Review -\$385
$\square$ Wetland Banking Plan Review- $\mathbf{1 , 1 4 0}$

## \#7 Public Hearings

Additional Worksheets Required
$\square$ Administrative Appeal- $\mathbf{\$ 1 , 2 7 5}$
$\square$ Environmental Assessment-\$1,140
Conditional Use Permit- $\mathbf{\$ 6 5 0}$
C Conditional Use Permit Rehearing- $\mathbf{\$ 2 1 0}$
Interim Use Permit-\$650
Interim Use Permit Rehearing -\$210
General Purpose Borrow Pit-\$650
$\square$ Variance- $\$ 650$
$\square$ Variance Rehearing- $\mathbf{\$ 2 1 0}$
Multiple Hearing (Variance/conditional use)- $\$ 980$
$\square$ Rezoning -\$650

## TYPE OF PROPOSED STRUCTURES

New Structures)


Structure Additions

| STRUCTURES |  |  |  |
| :---: | :---: | ---: | ---: | ---: |
| *Structure <br> Type <br> (Same as box \#1 or <br> 2 above) | Check all that apply to the project. <br> *Foundation <br> Type <br> (Basement, slab, <br> Pier, etc) | *Maximum <br> Length <br> (Exterior <br> Footprint Only) | *Maximum <br> Width <br> (Exterior <br> Footprint Only) |
| Awelliny | Post Frame | 104 Feet | $50 \quad$ Feet |
|  | Feet | Feet |  |
|  |  | Feet | Feet |
| *Structure <br> Type <br> (Same as box \#2 <br> above) | *Foundation <br> Type <br> (Basement, slab, <br> Pier, etc) | *Maximum <br> Length <br> (Exterior <br> Footprint Only) | *Maximum <br> Width <br> (Exterior <br> Footprint Only) |
|  |  | Feet | Feet |
|  |  | Feet | Feet |
|  |  | Feet | Feet |

*Maximum
Sq. ft
(Exterior footprint only)
*Maximum Height
(Ground Level to Roof Peak)
*Indicates required field. Incomplete applications will be returned.

## CONTACT: Planning and Community Development Department

## Technical Assistance

Toll Free: 1-800-450-9777
Land Use Information
www.stlouiscountymn.gov/land-use

Duluth
Government Services Center 320 West $2^{\text {nd }}$ Street, Suite 301 Duluth, MN 55802
(218) 725-5000

## Virginia

Government Services Center 201 South $3^{\text {rd }}$ Avenue West
Virginia, MN 55792
(218) 749-7103

## Office Use Only

Receipt \# $\qquad$
Receipt Date $\qquad$
Payment Amount $\qquad$
Paid By

| Sq. ft. | CO |
| ---: | ---: |
| Sq. ft. | Feet |
| Sq. ft. | Feet |
| *Maximum <br> Sq. ft <br> (Exterior footprint only) | *Maximum <br> Height <br> (Ground Level to <br> Roof Peak) |
| Sq. ft. | Feet |
| Sq. ft. | Feet |
| Sq. ft. | Feet |

(O) Feet

Sq. ft.
*Maximum Height
(Ground Level to Roof Peak)
(Exterior footprint only)

| Sq. ft. | CO |
| ---: | ---: |
| Sq. ft. | Feet |
| Sq. ft. | Feet |
| *Maximum <br> Sq. ft <br> (Exterior footprint only) | *Maximum <br> Height <br> (Ground Level to <br> Roof Peak) |
| Sq. ft. | Feet |
| Sq. ft. | Feet |
| Sq. ft. | Feet | Feet

Conditional Use Permit (CUP)
WORKSHEET St. Louis County, Minnesota
About: Conditional use permits are typically required on property where the owner does not reside and/or has employees and customer traffic. A CUP needs additional controls or restrictions to assure that it is in harmony with the neighborhood. They are also required for a variety of other uses.

County Land Explorer: https://gis.stlouiscountymn.gov/landexplorer/ Property Lookup: http://apps.stlouiscountymn.gov/auditor/parcelInfo2005Iframe/
WHAT ARE YOU APPLYING FOR? check all that apply to the project.
$\square$ New business
$\square$ Expansion of existing business
$\square$ Replace existing businessExtractive Use-General Purpose Borrow (Gravel) Pit* *Additional worksheet required. It is not necessary to continue filling out the CUP worksheet form. Please see Extractive Use-General Purpose Borrow (Gravel) Pit Worksheet (attached).

## X Other

If Other, please explain: current structure will be renovated
be a residence/gerage, with well $a$ septic be a residence/ garage, with well septic (holding tank)

## ABOUT THE BUSINESS

## TYPE OF BUSINESS

How is the property currently being used?
Storage for School district Bus garye

What type of business/use is being applied for? (List all uses that will take place)


| HOURS OF OPERATION <br> (Proposed) <br> Monday through Friday | Saturday | Sunday |  |
| :--- | :--- | :--- | :--- |
| Start: | Start: | Start: | Comments |
| End: | End: |  |  |

## TRAFFIC, PARKING, AND/OR DOCKAGE

| $\square$ Yes | $\square$ No | Will the proposal generate an increase in traffic? (Boat, snowmobile, truck, bus, car, etc.) |
| :--- | :--- | :--- |
| If Yes, estimated increase: $\square 10$ vehicles or less $\square 11-25$ vehicles $\square$ Greater than 25 vehicles |  |  |
| $\square$ Yes | $\square$ No | Does the proposal require parking? (Please include employees, visitors, and other parking) |

If Yes, how many parking spaces are available on the property?

## APPROVAL FROM LOCAL ROAD AUTHORITY REQUIRED

Yes (Please attach approval letter)No

## SIGNAGE AND LIGHTING

$\square$ Yes No Does your proposal include signage? (Include any offsite signs)
If Yes, please list number of signs, size, location, and illumination of each sign:
$\square$ Yes $\square$ No Will there be lighting (including security lighting) that may be visible from roads, waterways, and adjacent properties?

If Yes, please explain:

TYPE OF PROPOSED STRUCTURES check all that apply to the project.


## OUTDOOR BUSINESS ACTIVITY Check all that apply to the project.

Will there be any outdoor work or storage areas such as: rock piles, assembly sites, tank storage, equipment parking, etc?区
If Yes, please explain:

## WASTEWATER TREATMENT

Will wastewater will be generated?
$\quad$ Yes
$\square$ No
If Yes, what type of system will be used to handle wastewater treatment?
Private Septic System
$\square$ Municipal
$\square$ Other, please explain:

Household Garbage
$\square$ Animal WasteChemicals $\square$ MedicalHazardous
Oil and Grease
Other Automotive Fluids
Other, please explain:

Please describe collection and disposal:
Self contained 2500 ged . holding tan te,

*Additional information may be required based on the scope of the project.

## STORMWATER MANAGEMENT

| $\square$ Yes | $\square$ No | Will there be more than one (1) acre of altered surf |
| :--- | :--- | :--- |
| $\square$ Yes | $\square$ No | If Yes, do you have an MPCA NPDES permit? (Please |
| CONTACT: Planning and Community Development Department |  |  |

Technical Assistance
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(218) 749-7103

## Office Use Only

Receipt \# $\qquad$
Receipt Date $\qquad$
Payment Amount $\qquad$
Paid By $\qquad$

## Site Sketch Form

Draw and Label on Sketch (in feet)
*All Structures on the Property and Dimensions
*All Driveways, Access Roads, and Wetlands
*All Proposed Structures and Dimensions
*Distance of Proposed Structures to Shoreline (Closest Point)
*Distance of Proposed Structures to Septic System and Tank *Distance of Proposed Structures to Property Lines
*Distance of Proposed Structures to Road Centerline and Right-of Ways

You may submit your own site sketch IF it has the required information indicated above.
*Applicant Name:
*Site Address:
*PIN:

***Sanitary Authority Use Only***
Sanitary Review: (To be determined by appropriate sanitary authority.)
Will the proposal, as shown above, negatively impact the SSTS/sanitary line or replacement area?
$\square$ Yes $\square$ No
Sign off:
Signature $\qquad$








