



ST. LOUIS COUNTY PLANNING COMMISSION STAFF REPORT

INSPECTION DATE: 8/18/2021

REPORT DATE: 8/23/2021

MEETING DATE: 9/9/2021

APPLICANT INFORMATION

APPLICANT NAME: Brian Phillips

APPLICANT ADDRESS: 3922 W 4th Street, Duluth, MN 55807

OWNER NAME: Brian Phillips

SITE ADDRESS: 5508 Bergstrom Junction Road, Saginaw, MN 55779

LEGAL DESCRIPTION: SE1/4 OF SE1/4 LYING SLY & ELY OF BERGSTROM RD EX HWY, S8, T51N, R16W and THAT PART OF NE 1/4 OF NE 1/4 LYING N OF THE MILLER TRUNK RD, S17, T51N, R16W (Grand Lake)

PARCEL IDENTIFICATION NUMBER (PIN): 380-0010-01662 and 380-0010-03490

NATURE OF REQUEST: A conditional use permit for storage business as a Commercial, Retail and Service Establishments Use - Class II.

PROPOSAL DETAILS: The applicant is proposing a storage business that will include indoor storage, outdoor storage of vehicles, boats and shipping containers. There will be a total of 5 shipping containers portioned in half and utilized as 10 storage units like a traditional mini-storage. There is currently a structure being utilized as office space for the applicant only. The hours of operation will be 8am to 8pm seven days a week.

PARCEL AND SITE INFORMATION

ROAD ACCESS NAME/NUMBER: Bergstrom Junction Rd/
CASH 94

ROAD FUNCTIONAL CLASS: Local

LAKE NAME: N/A

LAKE CLASSIFICATION: N/A

RIVER NAME: N/A

RIVER CLASSIFICATION: N/A

DESCRIPTION OF DEVELOPMENT ON PARCEL: There are two existing sheds one of which is utilized as office/work space and 3 shipping containers. A 120 foot by 40 foot hoop/accessory structure to be used for seasonal indoor boat storage has been permitted.

ZONE DISTRICT: MU 3

PARCEL ACREAGE: 2.39 ACRES (TOTAL)

LOT WIDTH: Approx 526 FEET (TOTAL)

FEET OF ROAD FRONTAGE: Approx 670 FEET

FEET OF SHORELINE FRONTAGE: N/A

PARCEL AND SITE INFORMATION

VEGETATIVE COVER/SCREENING: The proposed area of development is free of vegetation. Parcel 380-0010-03490 is wooded and provides some screening from Highway 53. There is fair screening from the property to the east.

TOPOGRAPHY: There is relatively low topographic change throughout the parcels. The proposed development is on a flat area of the parcel. The overall topographic change is 6 feet.

FLOODPLAIN ISSUES: N/A

WETLAND ISSUES: As per the National Wetland Inventory, there is not wetlands on the property.

ADDITIONAL COMMENTS ON PARCEL:

FACTS AND FINDINGS

A. Plans and Official Controls:

1. St. Louis County Zoning Ordinance 62, Article V, Section 5.6B allows a Commercial, Retail and Service Establishments Use - Class II, with a conditional use permit.
2. The applicant's parcels are within the Multiple Use (MU) zoning district which is intended to accommodate a wide range of uses.
3. The subject parcels are zoned MU-3.
 - a. District 3 requires a minimum lot area of 9 acres and minimum lot width of 150 feet.
 - b. The subject parcels contain a combined acreage 2.39 acres and approximately 526 feet of lot width.
 - c. These lots were created by Bergstrom Junction Road and US Highway 53. They are nonconforming legal lots of record for permitting purposes.
4. The applicant's parcels are designated as Forest and Agriculture within Planning Area 5a on the Future Land Use Map.
 - a. The Forest and Agriculture land use category takes up the majority of the county's unincorporated land area.
5. St. Louis County Comprehensive Land Use Plan Goal LU-7 is to provide opportunities for commercial development to serve local and regional markets throughout the county.

B. Neighborhood Compatibility:

1. Although the property is accessed by Bergstrom Junction Road, it also abuts US Highway 53.
2. The proposed storage business would likely be a compatible use with the neighborhood because it is unlikely that it would generate much noise or much more additional traffic. Highway 53 is an arterial road that already has a substantial amount of regular traffic.
3. The general area north of US Highway 53 is zoned MU-3.
4. The general area consists of larger parcels, many between 10 and 40 acres. There are several smaller 2.5-5 acre nonconforming parcels within 0.75 miles of the property.
5. The property is in a multiple use zone district which allows for a variety of uses, including commercial uses with a conditional use permit. Multiple use zone districts tend to have a low development density.

C. Orderly Development:

1. Much of this area is residential.

2. The proposed use may provide a benefit of additional storage options for residents in the surrounding areas.
3. Keeping the property in a neat and orderly manner may alleviate some concerns that use is not compatible with the area.

D. Desired Pattern of Development:

1. The desired pattern of development in this area is a mix of different uses, where appropriate.
2. Although the area tends to be residential, the property does abut the US Highway 53 corridor.
 - a. One objective of the St. Louis County Comprehensive Land Use Plan is to develop opportunities for neighborhood commercial sites that are compatible in scale and operation with surrounding residential development.
3. The proposed use fits the desired pattern of development.

E. Other Factor(s):

1. This property has historically been used as commercial for used car sales.
2. There is currently a building being utilized as office/workspace. There is no septic information on file.

See attachments: 1. Zoning/location map 2. Air photo 3. Site sketch 4. Project picture (if applicable) 5. Other pertinent pictures or maps

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

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

1. The applicant shall obtain approval from the appropriate road authority.
2. The property shall be brought into and kept in a neat and orderly manner.
3. All five shipping containers shall be functionally attached as one structure.
4. The shipping containers, structures and outdoor storage shall be screened from ordinary public view.
5. Lighting shall be directed downward in accordance with dark sky standards.
6. Signs shall be in accordance with St. Louis County Zoning Ordinance 62.
7. St. Louis County On-Site Wastewater SSTS standards shall be followed.
8. The use shall comply with all local, county, state and federal regulations.

**ST. LOUIS COUNTY, MN
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT**

Duluth

Government Services Center

320 West 2nd Street, Suite 301
Duluth, MN 55802
(218) 725-5000

VirginiaGovernment Services
Center

201 South 3rd Avenue West
Virginia, MN 55792
(218) 749-7103

CONDITIONAL USE PERMIT APPLICATION

General - This application is used to apply for a Conditional Use Permit. Applicants will need to attach the appropriate worksheet(s) in order to process. Incomplete applications will be returned. Note that the 'clock' does not begin until after payment has been processed for the application. For more information, see our website at:
www.stlouiscountymn.gov/BuildingStructures

Enter the Primary PIN and Associated PIN (if applicable) of the property to be reviewed.
PIN is found on your Property Tax Statement. For example, 123-1234-12345. Primary PIN: Parcel where Structure/SSTS are located. Associated PIN: Additional and/or adjacent property that you own or that is related to the project.
County Land Explorer: <https://www.stlouiscountymn.gov/explorer>
Property Lookup: <http://apps.stlouiscountymn.gov/auditor/parcelInfo2005Iframe>

Primary PIN **380-0010-01662**

Associated PINs
PIN # **380-0010-03490**

Type of Application

Does this application apply to a Short Term Rental?

No

Is this application being submitted for a Rehearing?

If this application is being submitted because a previous Conditional Use Permit application was denied or disapproved, please select Yes.

No

Enter Applicant Information

I am a: **Landowner**
Applicant Name: **Brian Phillips**
Address Line 1: **5508 Bergstrom Jct. Rd.**
Address Line 2: **--**
City: **Saginaw**
State: **MN**
Zip: **55779**
Primary Phone: **(360)926-4243**
Cell Phone: **--**
Fax: **--**
Email: **briphillips2000@yahoo.com**
Contact Person Name: **--**
Contact Person Phone: **--**

Mailing Address Information.

This address can default from the address you selected. If the values defaulted are not correct, please enter the correct information.

Same as Applicant address? **No**
 Name: **Brian Phillips**
 Address: **5508 Bergstrom Jct. Rd.**
 City: **Saginaw**
 State/Province: **MN**
 Zip: **55779**
 Primary Phone: **360-926-4243**
 Cell Phone: **--**
 Fax: **--**
 Email: **briphillips2000@yahoo.com**

Site Information

If there is no site address, the application will be forwarded to 911/Communications to assign one.

Is there a site address for this property? **Yes**

Site Address: **5508 Bergstrom Jct. Rd. Saginaw, MN 55779**

Is this leased property? **No**

Leased From? **--**

US Forest Service

US Forest Service
 Superior National Forest
 8901 Grand Avenue Place
 Duluth, MN 55808

MN Power

MN Power
 Shore Land Traditions
 30 West Superior Street
 Duluth, MN 55802

MN DNR, Area Hydrologist

MN DNR, Area Hydrologist
 7979 Highway 37
 Eveleth, MN 55734

MN DNR Land and Minerals

MN DNR Land and Minerals
 1201 East Highway 2
 Grand Rapids, MN 55744

St. Louis County - Duluth

St. Louis County - Duluth
 Government Services Center
 320 West 2nd Street, Suite 301
 Duluth, MN 55802
 (218) 725-5000

St. Louis County - Virginia

St. Louis County - Virginia
 Land and Minerals
 7820 Highway 135
 Virginia, MN 55792
 (218) 749-7103

Do you have written authorization from the leased property owner?

If Yes, you must attach written authorization form.

--

How is the property accessed?**Public Road****No****No****No****No**

Enter Project Information.

If you answered 'Yes' to any of the questions below, it is required that you submit a copy of a septic permit to construct or certificate of compliance approval or municipal/sanitary district approval when applying for a land use permit.

Is this project on a parcel less than 2.5 acres?**Yes****Is this project within 300 feet of a stream/river or 1,000 feet of a lake?****No****Is this project adding a bedroom?**

Include home, garage, and accessory dwelling.

No**Total # of bedrooms on property after project completion.****0****Does this project include plumbing or pressurized water in proposed structure?****No****If Yes, please explain:****--****Is this project connected to a municipal or sanitary district system?****No**

CONDITIONAL USE WORKSHEET

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.

What are you applying for?

New Business **Yes**Expansion of Existing Business **No**Replace Existing Business **No**Other **No**

If Other, please explain

--

How is the property currently being used?

Personal use

What type of business/use is being applied for?

List all uses that will take place.

Storage business

DAYS AND HOURS OF OPERATION

Describe the business and list business hours.

Describe the business **Storage business**

M-F Hours **8:00 am - 8:00 pm**

Saturday/Sunday Hours **8:00 am - 8:00 pm**

TRAFFIC, PARKING, AND/OR DOCKAGE

Will the proposal generate an increase in traffic?

Boat, snowmobile, truck, bus, car, etc.

Yes

If Yes, what is the estimated increase **< 10 vehicles**

Does the proposal require parking?

Please include employees, visitors, and other parking.

Yes

How many parking spaces are available on the property? **5**

SIGNAGE AND LIGHTING

Does your proposal include signage?

Include any off-site signs.

No

Please list number of signs, size, location, and illumination of each sign

--

Will there be lighting (including security lighting) that may be visible from roads, waterways, and adjacent properties?

No

If Yes, please explain

--

OUTDOOR BUSINESS ACTIVITY

Will there be any outdoor work or storage areas such as: rock piles, assembly sites, tank storage, equipment parking, etc.?

Yes

If Yes, please explain

Outdoor vehicle and boat storage

WASTEWATER TREATMENT

Will wastewater be generated?

No

If Yes, what type of system will be used to handle wastewater treatment?

Private Septic System **No**

Municipal **No**

SOLID WASTE

Check all types of waste generated and describe how you will collect and store waste generated from the business below. Additional information may be required based on the scope of the project.

Household Garbage **No**

Oil and Grease **No**

Other Automotive Fluids **No**

Animal Waste **No**

Chemicals **No**

Medical **No**

Hazardous **No**

Demolition Waste **No**

Wood and Sawdust **No**

Radioactive **No**

Other **No**

If Other, please explain **--**

Please describe
collection and disposal: **None**

STORMWATER MANAGEMENT

Will there be more than one (1) acre of altered surface?

If Yes, please attach your NPDES permit.

No

By submitting this application, I certify and agree that I am the owner or the authorized agent of the owner of the above property, and that all uses will conform to the provisions of St. Louis County. I further certify and agree that I will comply with all conditions imposed in connection with the approval of the application. Applicants may be required to submit additional property descriptions, property surveys, site plans, building plans, and other information before the application is accepted or approved. **Intentional or unintentional falsification of this application or any attachments thereto will make the application, any approval of the application and any result invalid.** I authorize St. Louis County staff to inspect the property to review the application and for compliance inspections. Furthermore, by submitting this application, I release St. Louis County and its employees from any and all liability and claims for damages to person or property in any manner or form that may arise from the approval of the application or any related plans, the issuance of any resulting permit or the subsequent location, construction, alteration, repair, extension, operation or maintenance of the subject matter of the application.

If your name, contact information or email address have changed, you should update your contact information in the portal by selecting 'Maintain Contact Information' at the top of this page.

Submitted By: **--**

Address: **--**

City: **--**

State: **--**

Postal Code: **--**

Email Address: **--**

I have read and agree to the statement
above.

No

From: [brian.phillips](#)
To: [Donald Rigney](#)
Subject: Re: Conditional Use Permit Application - Storage Business
Date: Monday, August 16, 2021 9:37:20 AM

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Hello Mr. Rigney,

Listed below is the additional information you requested.

1. There is a shed that I'm using as a workspace/ office on the property and I receive mail at. I'm at the property daily and receive most of my mail at this location. No I'm not living on the property. My current address is
3922 W 4th St
Duluth, MN 55807

2.a Yes the hoop structure will be used as seasonal indoor boat storage with limited access similar to a mini storage.

2.b yes the shipping containers will be used as rental space.

2.b.i The shipping container will be partitioned in half with roll up doors in the sides and be used more like a traditional mini storage.

2.b.ii In the near future three more shipping containers for a total of six. Five as rentals, one as personal. Five partitioned in half for a total of ten storage units.

I hope this answered all your questions.

Best Regards
Brian Phillips

[Sent from Yahoo Mail for iPhone](#)

On Friday, August 13, 2021, 9:54 AM, Donald Rigney <RigneyD@StLouisCountyMN.gov> wrote:

Good morning Mr. Phillips,

Thank you for submitting your conditional use permit application. Upon initial review, it was determined that additional information is needed. Please address the following:

1. Your home address appears to be the same as the site address of the proposed storage business. It does not appear that there is a dwelling at this location. Are you currently living on the property?
2. In your application it lists outdoor vehicle and boat storage as well as a hoop structure and three shipping containers.
 - a. Will the hoop structure be utilized for indoor storage similar to a ministorage?
 - b. Will the shipping containers be used as part of the storage business?
 - i. If so, how will they be utilized?
 - ii. Do you intend on having more than three shipping containers in the future?

Thank you for providing this additional.

Regards,

Donald Rigney

Senior Planner

Planning and Community Development

St. Louis County Government Services Center

320 W 2nd St, Suite 301

Duluth, MN 55802

(P) 218-725-5001 (F) 218-725-5029

Toll Free 1-800-450-9777, Ext 5001

RigneyD@stlouiscountymn.gov

www.stlouiscountymn.gov



County Land Explorer

St. Louis County, Minnesota



5503 Bergstrom Junction Rd

Bergstrom Junction Rd

94

5508 Bergstrom Junction Rd

GRAND LAKE

53

Hwy 53

5538 Bergstrom Junction Rd



0 0.005 0.01 0.02 0.03
mi

5508 bergstrom Jct Rd

default author

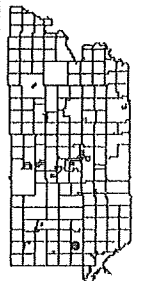
Map created using County Land Explorer
www.stlouiscountymn.gov/explorer

County Land Explorer
St. Louis County www.stlouiscountymn.gov/explorer Minnesota

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St. Louis County

September PC Meeting



Prepared By: **Planning & Community Development**
(216) 726-5000
www.stlouiscountymn.gov

Source: St. Louis County

Map Created: 8/9/2021

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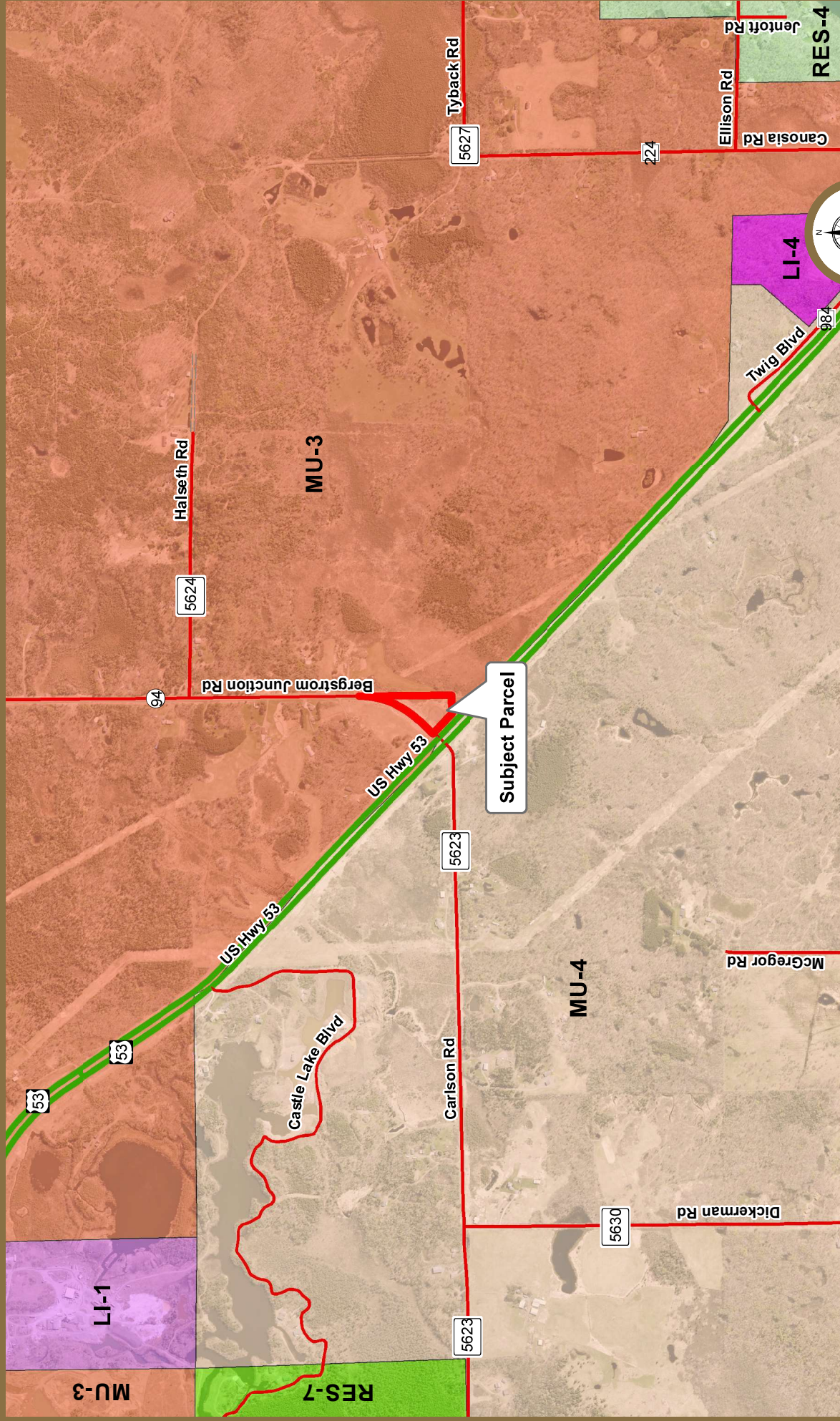
Brian Phillips
Location Map
PIN:380-0010-01662

0 0.25 0.5 Miles



St. Louis County

September PC Meeting



0 600 1,200

Feet

St. Louis County MN

Brian Phillips
Zoning Map
PIN:380-0010-01662

Prepared By: **Planning & Community Development**
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www.stlouiscountymn.gov

Source: St. Louis County

Map Created: 8/9/2021

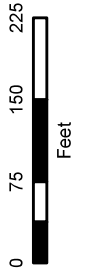
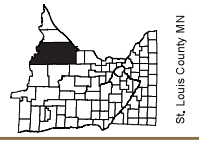
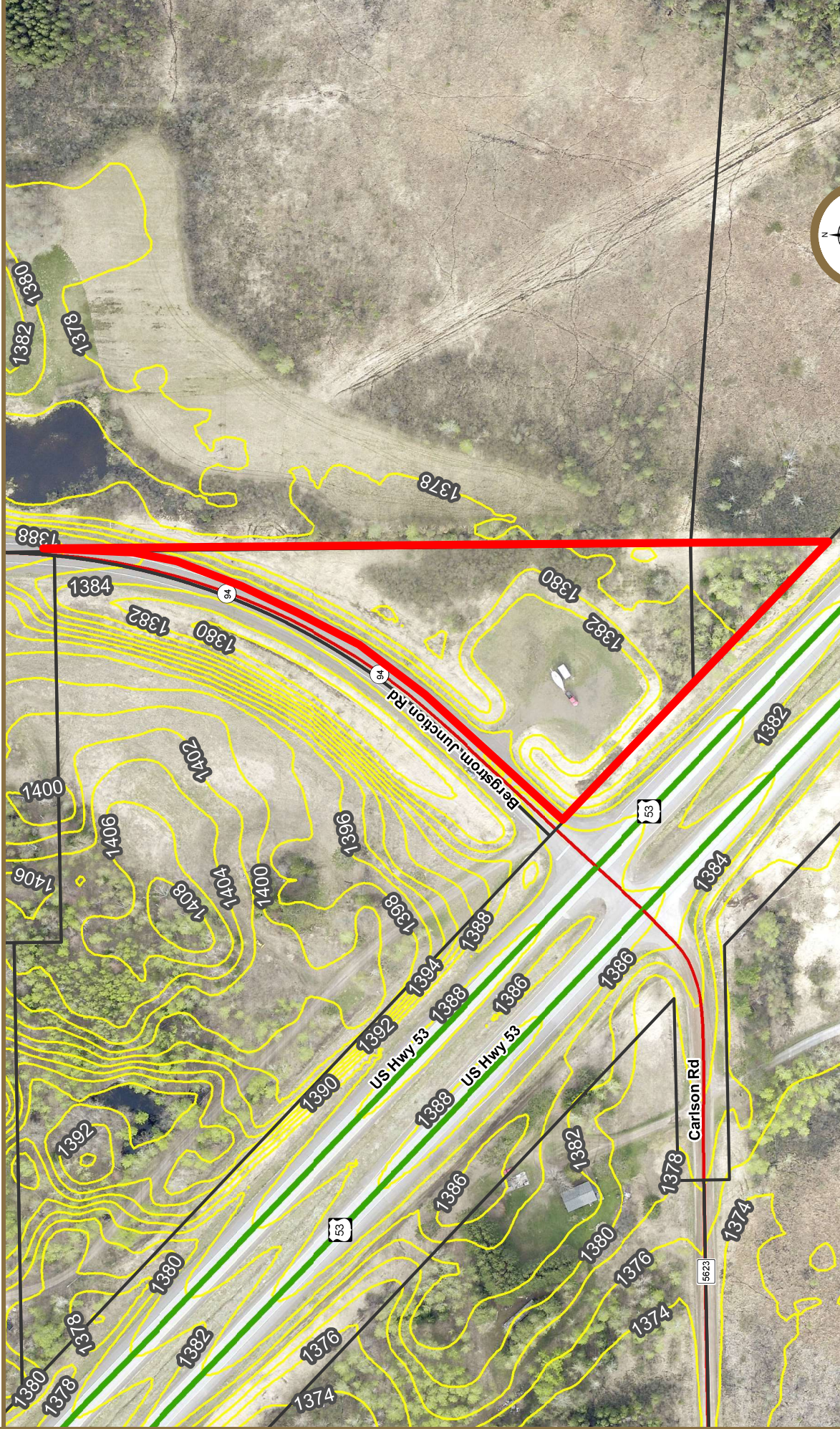
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St. Louis County

September PC Meeting



Brian Phillips

Site/Elevation

PIN: 380-0010-01662, -03490



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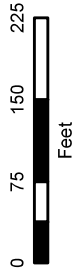
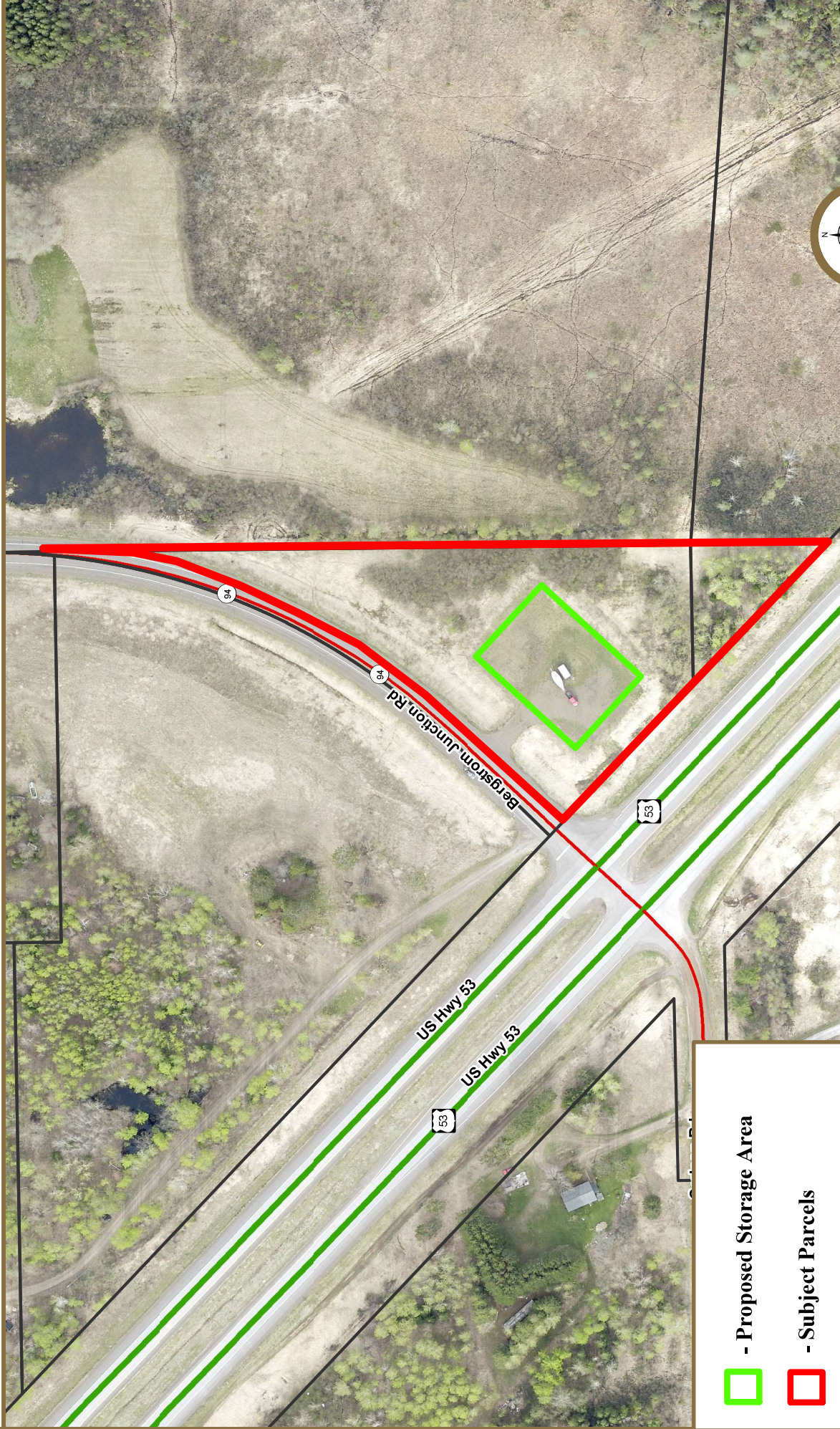
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St. Louis County

September PC Meeting



Brian Phillips
Proposal

PIN: 380-0010-01662, -03490

-  - Proposed Storage Area
-  - Subject Parcels

Planning & Community
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(216) 723-5000
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Proposed Area for Storage Business



Structures

Bergstrom Junction Road

Looking West



Looking East



Highway 53 Screening

