



ST. LOUIS COUNTY PLANNING COMMISSION STAFF REPORT

REPORT DATE: 2/16/2023

MEETING DATE: 3/9/2023

APPLICANT INFORMATION

APPLICANT NAME: Christine Wyrobek

APPLICANT ADDRESS: 183 Verhelli Road, Cuero, TX 77954

SITE ADDRESS: N/A

LEGAL DESCRIPTION: NORTH ½ LOT 46 DA BI NA WA, and SOUTH ½ LOT 46 DA BI NA WA, and LOT 1 EX ELY 540 FT AND SLY PENINSULA AND EX THAT PART W OF E 540 FT AND N AND W OF A PARCEL BEG AT INTERSECTION OF W LINE OF E 540 FT WITH NLY SHORELINE OF LAKE VERMILLION THENCE W 582 FT THENCE S 607 FT TO SHORELINE THENCE NELY ALONG SHORELINE TO PT OF BEG, and ALL THAT PART OF LOT 1 EX E 540 FT AND EX SLY PENINSULA AND EX PART COMM AT NE CORNER THENCE 540 FT W THENCE S TO SHORELINE OF LAKE VERMILLION AND PT OF BEG THENCE W 582 FT THENCE S 607 FT THENCE NELY ALONG SHORELINE TO PT OF BEG, and E 540 FT AND SLY PENINSULA OF GOVT LOT 1, S15, T63N, R18W (Beatty)

PARCEL IDENTIFICATION NUMBER (PIN): 250-0040-00520; 250-0040-00525; 250-0020-02040; 250-0020-02041; 250-0020-02042

NATURE OF REQUEST: A zoning map amendment involving parcels 250-0040-00520, 250-0040-00525, 250-0020-02040, 250-0020-02041, 250-0020-02042 within T63N, R18W. The proposed zoning change is from Residential-5 to Shoreland Multiple Use-5 and from Residential-7 to Shoreland Multiple Use-7.

PROPOSAL DETAILS: The proposed rezoning has been initiated by the applicant. The proposed change from RES-7 to SMU-7 and RES-5 to SMU-5 will only involve the five parcels listed in this report. The reason for the request is to establish a campground as a commercial planned development which is not an allowed use in a Residential (RES) zone district.

PARCEL AND SITE INFORMATION

ROAD ACCESS NAME/NUMBER: Black Bay Rd/
Water Access Only

ROAD FUNCTIONAL CLASS: Local

LAKE NAME: Lake Vermilion

LAKE CLASSIFICATION: GD

RIVER NAME: N/A

RIVER CLASSIFICATION: N/A

DESCRIPTION OF DEVELOPMENT ON PARCEL: There is a cabin and shed on parcel 250-0020-02041. All other parcels are vacant.

ZONE DISTRICT: RES 7 & RES 5

MAINLAND PARCEL ACREAGE: Each mainland lot is approx. 0.32 acre

LOT WIDTH: Each mainland lot is approx. 62.5 feet in width

FEET OF ROAD FRONTAGE: Approx. 62.5 feet with no developed access to Black Bay Road

FEET OF SHORELINE FRONTAGE: Approx. 62.5 feet

WATER ACCESS PARCELS ACREAGE: Total approx. 44.83 acres

LOT WIDTH: Varies

FEET OF ROAD FRONTAGE: n/a water access

FEET OF SHORELINE FRONTAGE: Total approx. 6,840 feet

PARCEL AND SITE INFORMATION

VEGETATIVE COVER/SCREENING: The parcels are undeveloped with a predominance of tree cover.

TOPOGRAPHY: The parcels contain varied topography including bluff, steep slopes and drainages.

FLOODPLAIN ISSUES: There is floodplain on the parcels.

WETLAND ISSUES: There are wetland areas located throughout the property. The applicant will need to meet Wetland Conservation Act requirements.

ADDITIONAL COMMENTS ON PARCEL: Most of the property is boat access only.

FACTS AND FINDINGS

A. Plans and Official Controls:

1. Per Ordinance 62, Article V, Section 5.4 the Residential (RES) district is intended to be used in those areas of the county with extensive or the potential for extensive residential development. This district shall be used to promote a high quality residential living environment where non-residential uses are restricted. This district may be used in shoreland and nonshoreland areas that are typically platted, or, if not platted, have a development density of dwellings of more than one dwelling per 300 lineal feet of lot frontage.
2. Per Ordinance 62, Article V, Section 5.4 the Shoreland Multiple Use (SMU) district is intended to provide a balance between lake and river use and the water resources by allowing a wide range of uses that are consistent with adjacent land uses and the recreational and natural attributes of the water body.
3. St. Louis County Zoning Ordinance 62, Article V, Section 5.6 indicates that Commercial Planned Developments are not an allowed Use which is the reason for the requested rezoning.
4. Parcels 250-0020-02040, 250-0020-02041 and 250-0020-02042 fall into the Forest and Agriculture (FA) land use category of the St. Louis County Comprehensive Land Use Plan.
 - o This land use category primarily consists of forest harvest management and the raising of crops or livestock, as well as farm dwellings. In some cases, they consist of natural areas that are not being farmed or actively managed. Areas designated as Forest and Agriculture on the future land use map include areas not intended for future rural or urban development. Lot sizes are typically larger than 40 acres. It is not clear how the SMU zoning would be more consistent with the land use plan as described above.

5. Parcels 250-0040-00520 and 250-0040-00525 fall into the Lakeshore Development Area (LDA) land use category of the St. Louis County Comprehensive Land Use Plan.
 - o These areas are intended for rural development adjacent to lakes, including infill, new development, or redevelopment of existing residential, commercial, or mixed-use areas. The scale and intensity of Lakeshore Development Areas are to be distinguished from uses requiring approval as planned resorts.

6. Zoning:

1. The parcels are surrounded by residential zoning and is also located within the shoreland area of Lake Vermilion. The main purpose of this rezoning is to establish a campground and RV sites as a commercial planned development that benefits the applicant.
2. The Residential zone district is intended to be used in those areas of the county with extensive or the potential for extensive residential development. The proposed request of the rezoning to establish a commercial planned development that is not only an incompatible use but is not allowed within a residential district.
3. This request falls into spot zoning. At the time of this request, the only parcels benefiting from the rezoning are the parcels under the applicant's ownership. The applicant stated that Beatty Township would not initiate the rezoning.

7. Public Need:

1. This rezoning clearly benefits the landowner. There are areas on Lake Vermilion with SMU zoning which allows for new and expansion of existing commercial developments. No public need or benefit has been established.

8. Public Interest:

1. The current zoning was established for the protection of existing residential development and to restrict incompatible uses. There are multiple areas on Lake Vermilion that are zoned SMU that would support the requested commercial planned development. These areas were specifically identified during the Lake Vermilion planning process to allow for commercial development to continue and expand if needed.

9. Other Factor(s):

1. The landowner clearly is the main benefit for the rezoning.
2. The applicant has not demonstrated that there is a clear public benefit.
3. There is established SMU zoning on Lake Vermilion that allows for commercial development.
4. Rezoning parcels for a specific project may set precedence for future spot zoning throughout the county.
5. Spot zoning is zoning to discriminate in favor of one lot or parcel out of harmony with surrounding lots or parcels and the comprehensive or land use plan, and without benefit to the community.

PLANNING COMMISSION CRITERIA FOR APPROVAL OF A REZONING REQUEST

Amendments to the zoning map shall be recommended for approval only upon the finding by the Planning Commission that all of the following conditions exist:

- 1. The proposed zoning shall be consistent with the comprehensive or land use plan adopted for the county.**

2. The proposed zoning shall not be spot zoning, which is zoning to discriminate in favor of one lot or parcel out of harmony with surrounding lots or parcels and the comprehensive or land use plan and without benefit to the community.
3. There shall exist a clear public need for and benefit from additional zoning of the type proposed, which shall be above and beyond any benefit or convenience to the landowner.
4. Beyond a public need being evident, there shall be a showing that the public interest would be best served by rezoning the property in question rather than other property in the community.

CONDITIONS

If the Planning Commission determines that the proposal meets the criteria for a zoning map amendment it shall forward the proposal to the St. Louis County Board with the recommendation to approve a zoning map amendment involving parcels 250-0040-00520, 250-0040-00525, 250-0020-02040, 250-0020-02041, 250-0020-02042 within T63N, R18W. The proposed zoning change is from Residential-5 to Shoreland Multiple Use-5 and from Residential-7 to Shoreland Multiple Use-7.



Rezoning

Worksheet St. Louis County, Minnesota

Reference #

About: In some cases, rezoning a parcel may be necessary as the current zoning may be incompatible with the current activities in the area. Rezoning requests can be initiated by any of the following:

1. St. Louis County Board; 2. St. Louis County Planning Commission; 3. Organized Township; 4. Property Owner of Record

For more information, check out our website at: www.stlouiscountymn.gov/land-use

PROPERTY IDENTIFICATION NUMBER (PIN) PIN is found on your Property Tax Statement

*Primary PIN	250 - 0020 - 02041	Associated PIN	250 - 0020 - 02042
Associated PIN	250 - 0040 - 00525	Associated PIN	250 - 0040 - 00520

E.g. 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://gis.stlouiscountymn.gov/landexplorer/> Property Lookup: <http://apps.stlouiscountymn.gov/auditor/parcelInfo2005Iframe/>

APPLICANT

*Applicant Name	I am a... <input type="checkbox"/> Contractor <input checked="" type="checkbox"/> Homeowner <input type="checkbox"/> Other	*Daytime #	Date
Christine Wyrabetk		218-780-2809	2-2-23
*Applicant Address <small>Where to send permit.</small>	*City	*State	*ZIP
183 Verhelli Rd	Cuervo	Tx	77954
Applicant Email CSchlote@ gmail . Com			
Contact Person <small>If applicable.</small>	Contact Person #		
Mailing Address <small>If different than above.</small>	City	State	ZIP
7424 E Crescent Dr	Brith	MN	55710
Email Address <small>Where to email permit. Providing an email address will expedite the time in which a permit is received by an applicant.</small>			

TYPE OF REZONING REQUEST

PLEASE MAKE CHECKS TO: ST. LOUIS COUNTY AUDITOR

- ☒ Initiated by individual - \$650 ☐ Initiated by township

PUBLIC NOTIFICATION FOR TOWNSHIP INITIATED REZONING (Only applicable if township initiated rezoning.)

<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	*Is the proposed zoning located in an organized township?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	*Is the township applying for the rezoning?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Was public notice provided in the local newspaper or township newsletter? If yes, please attach a copy of the notice.
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Was public notice provided to adjacent property owners? If yes, please attach a copy of the notice.
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Was the public notice posted at least 30 days prior to action by the township?

REZONING INFORMATION

1. *Please explain the reason for the map rezoning request:

Bring New Development & opportunity

2. *What is the current zoning of the property?

Res 5 & Res 7

3. *What is the proposed zoning of the property?

SMU 5 & SMU 7

4. *How would the neighborhood benefit from the proposed rezoning?

Opportunity employment, growth, gifting, learning, exploring
* Explained further at meeting

5. *How would the public benefit from the proposed rezoning?

Opportunity employment, growth, gifting, learning, exploring
* Explained further at meeting.

*Indicates required field. Incomplete applications will be returned.

AGREEMENT

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 resulting permit 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.

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 2nd Street, Suite 301

Duluth, MN 55802

(218) 725-5000

Virginia

Government Services Center

201 South 3rd Avenue West

Virginia, MN 55792

(218) 749-7103

Office Use Only

Receipt # _____

Receipt Date _____

Payment Amount _____

Paid By _____

St. Louis County

March PC Meeting



Prepared By: Planning & Community Development

(218) 725-5000

www.stlouiscountymn.gov

Source: St. Louis County

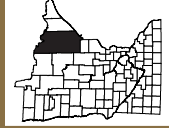
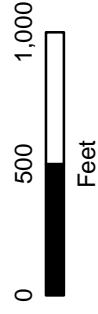
Map Created: 2/15/2023

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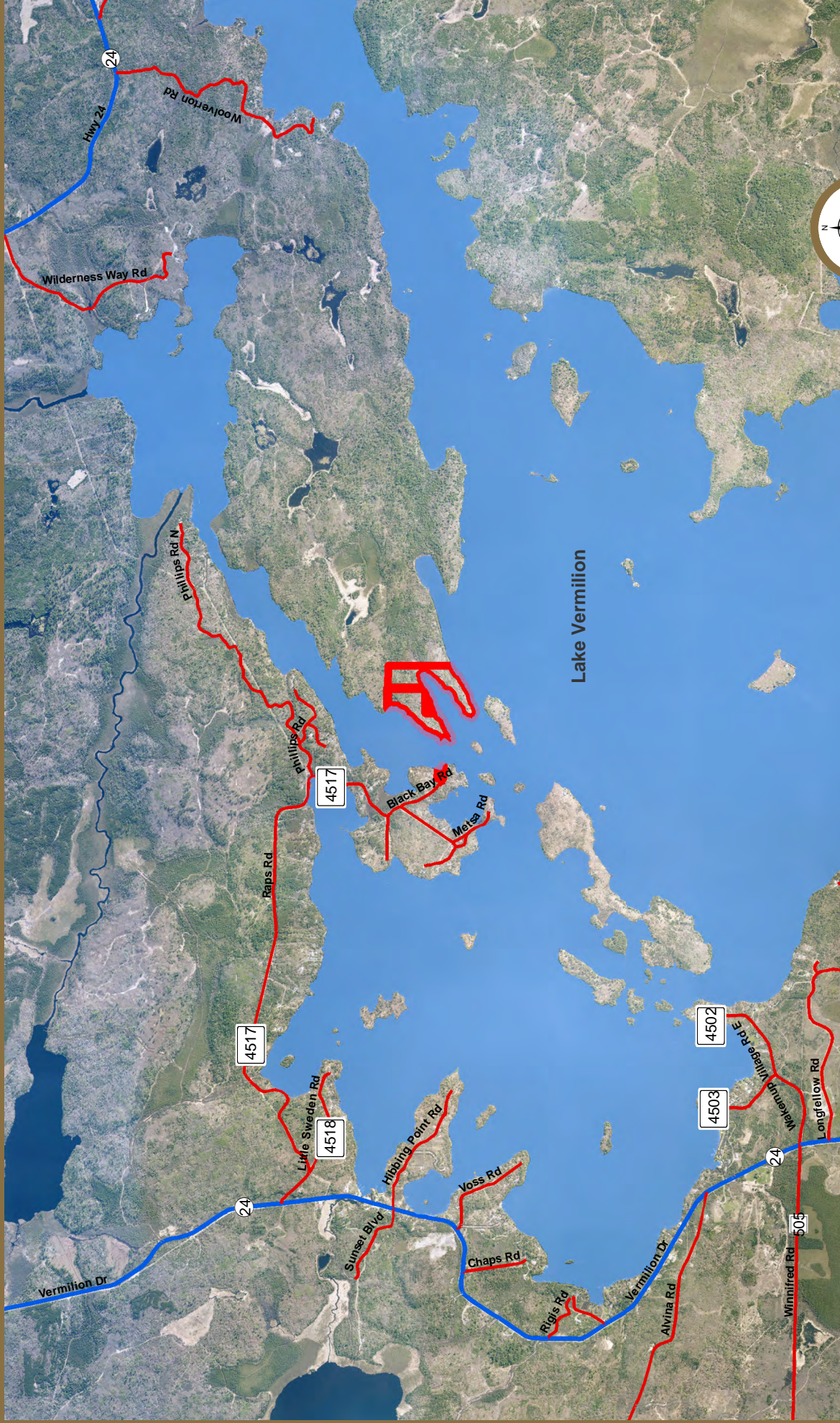
Christine Wymbek
Zoning Map
Subject Parcels



St. Louis County MN

St. Louis County


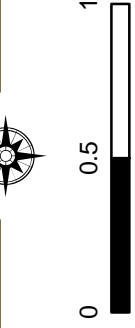
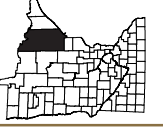
March PC Meeting



Christine WYROBEK

Location Map

Subject Parcels

Prepared By: **Planning & Community Development**
 (218) 725-5000
www.stlouiscountymn.gov

Source: **St. Louis County**

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