



ST. LOUIS COUNTY PLANNING COMMISSION STAFF REPORT

INSPECTION DATE: 12/22/2021

REPORT DATE: 12/27/2021

MEETING DATE: 1/13/2022

APPLICANT INFORMATION

APPLICANT NAME: Shawn Niehaus

APPLICANT ADDRESS: 8794 Swan Lake Road, Alborn, MN 55702

OWNER NAME: Shawn Niehaus

SITE ADDRESS: N/A

LEGAL DESCRIPTION: PART OF NE1/4 OF SW1/4 AND PART OF SE1/4 OF SW1/4 LYING BETWEEN TWO LINES DRAWN AT RIGHT ANGLES WITH THE CENTER LINE OF SWAN LAKE RD THE ONE 330 FT AND THE OTHER 660 FT FROM THE INTERSECTION OF SAID CENTER LINE OF THE SWAN LAKE RD WITH THE WLY LINE OF SAID NE1/4 OF SW1/4 THE NLY BOUNDARY LINE OF THIS TRACT BEING SAID CENTER LINE OF SWAN LAKE RD AND THE SLY BOUNDARY LINE BEING DRAWN FROM A PT 275 FT S OF NW COR OF SE1/4 OF SW1/4 TO A PT 150 FT S OF THE INTERSECTION BETWEEN THE CENTER LINE OF SWAN LAKE RD AND THE ELY LINE OF SAID SE1/4 OF SW1/4, S24, T52N, R18W (Alborn)

PARCEL IDENTIFICATION NUMBER (PIN): 205-0010-04220

NATURE OF REQUEST: A conditional use permit for a warehousing business as an Industrial Use – Class II.

PROPOSAL DETAILS: The applicant is proposing a warehousing business that will consist of the storage of inventory, route sales trucks and an office. There will be no commercial storefront on the property. The sales routes operate Monday through Friday. Route trucks leave the property at approximately 8am and return to the property at approximately 5pm. The proposal is expected increase traffic by less than 10 vehicles.

PARCEL AND SITE INFORMATION

ROAD ACCESS NAME/NUMBER: Highway 7/
CASH 7

ROAD FUNCTIONAL CLASS: Collector

LAKE NAME: N/A

LAKE CLASSIFICATION: N/A

RIVER NAME: N/A

RIVER CLASSIFICATION: N/A

DESCRIPTION OF DEVELOPMENT ON PARCEL: The property currently has a driveway but no structures.

ZONE DISTRICT: MU 4

PARCEL ACREAGE: 2.5 ACRES

LOT WIDTH: 330 FEET

FEET OF ROAD FRONTAGE: 330 FEET

FEET OF SHORELINE FRONTAGE: N/A

PARCEL AND SITE INFORMATION

VEGETATIVE COVER/SCREENING: The parcel is entirely wooded.

TOPOGRAPHY: There is a gentle slope from north to south with a total elevation change of 8 feet.

FLOODPLAIN ISSUES: N/A

WETLAND ISSUES: There is potential that wetlands may be present based on the topography and surrounding area. A wetland delineation may be necessary to determine if the proposed development will affect wetlands.

ADDITIONAL COMMENTS ON PARCEL:

FACTS AND FINDINGS

A. Plans and Official Controls:

1. Zoning Ordinance 62, Article V, Section 5.6 B., indicates warehouse businesses are an allowed use with a conditional use permit within a Multiple Use zone district.
2. The proposed site falls within the category of Rural Communities (RC) in the St. Louis County Comprehensive Land Use Plan. The Rural Communities category includes existing unincorporated residential clusters of development, existing platted areas where some lots have been developed, or older unincorporated communities without community water and sewer systems.

B. Neighborhood Compatibility:

1. The primary land use in the area is residential, however, the proposal is directly across Highway 7 from an apartment complex and the Alborn Town Hall, Community Center and Fire Department.
2. There will be no commercial activity on the property, so any increase in truck traffic for the neighborhood will be directly related to staff, the truck fleet and potential deliveries.

C. Orderly Development:

1. The property, as well as, much the surrounding area is zoned Multiple Use. This zone district allows for a wide range of uses.

D. Desired Pattern of Development:

1. The area has been historically developed with multiple land uses.
2. The property is accessed by County State Aid Highway 7 which is a collector road and is engineered for truck traffic.

E. Other Factor(s):

1. The applicant owns the adjoining parcel 205-0010-04230 to the west of the subject property.
2. There is potential that wetlands may be present at the site of the proposed development. A wetland delineation is recommended to determine if the proposed development will affect wetlands.

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 warehousing business as an Industrial Use – Class II, the following conditions shall apply:

1. The applicant shall obtain access approval from the appropriate road authority.
2. The Wetland Conservation Act shall be followed.
3. The applicant shall adhere to 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

205-0010-04220

Associated PINs

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: **Shawn Niehaus**
 Address Line 1: **8794 Swan Lake Road**
 Address Line 2: **--**
 City: **Alborn**
 State: **MN**
 Zip: **55702**
 Primary Phone: **(218)310-4168**
 Cell Phone: **--**
 Fax: **--**
 Email: **shawn@duluthtool.com**
 Contact Person Name: **Shawn Niehaus**
 Contact Person Phone: **(218)310-4168**

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: **Shawn Niehaus**
 Address: **8794 Swan Lake Road**
 City: **Alborn**
 State/Province: **MN**
 Zip: **55702**
 Primary Phone: **2183104168**
 Cell Phone: **--**
 Fax: **--**
 Email: **shawn@duluthtool.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? **No**
 Site Address: **--**
 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?**No****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?****Yes****If Yes, please explain:**

It is a pole building with an office space and toilet and sink

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?

not developed

What type of business/use is being applied for?

List all uses that will take place.

warehouse

DAYS AND HOURS OF OPERATION

Describe the business and list business hours.

Describe the business **Storage for route sales trucks and inventory**

M-F Hours **Not conducting business on the premises**

Saturday/Sunday Hours **--**

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?

3

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?

Yes

If Yes, please explain

security lighting on the front of the building

OUTDOOR BUSINESS ACTIVITY

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

No

If Yes, please explain

--

WASTEWATER TREATMENT

Will wastewater be generated?

Yes

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

Private Septic System **Yes**

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 **Yes**

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: **cardboard and trash will be collected in dumpsters and removed by local trash company**

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: **Shawn Niehaus**
 Address: **8794 Swan Lake Road**
 City: **Albion**
 State: **MN**
 Postal Code: **55702**
 Email Address: **shawn@duluthtool.com**

I have read and agree to the statement above.

I agree

From: [Duluthtool](#)
To: [Donald Rigney](#)
Subject: Re: Conditional Use Permit Application
Date: Tuesday, December 14, 2021 2:51:42 AM

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

The routes operate Monday-Friday only.

Thank you for the information on the meeting I look forward to hearing from you .

Shawn Niehaus
The Tool Chest INC

I used dictation so please excuse any errors.

On Dec 10, 2021, at 9:08 AM, Donald Rigney <RigneyD@stlouiscountymn.gov> wrote:

Hi Shawn,

Thank you for your quick response. Please also include the days of the week that those operations will be occurring.

It is recommended that you attend the hearing as you will have a chance to address the board and any questions they may have. The hearing is a hybrid setting. You have the opportunity to attend virtually or in person. Once your case is assigned a time, you will be notified by our Department.

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

From: Duluthtool <shawn@duluthtool.com>
Sent: Thursday, December 9, 2021 1:07 PM
To: Donald Rigney <RigneyD@StLouisCountyMN.gov>
Subject: Re: Conditional Use Permit Application

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

1. These are Mac tool trucks/franchises. The franchise prohibits store fronts and all the sales occur at the customers place of business in accordance with the agreement.
2. The drivers of the trucks arrive around 7:30am and leave on the route roughly 8am they return with the trucks at 5pm and leave the premises by 6pm. As the owner I will periodically be in the office but I run most of My office work from home.

Please let me know if you need any further clarification.

Also do I need to attend any meetings or is this process mostly virtual now?

Shawn Niehaus
The Tool Chest INC

I used dictation so please excuse any errors.

On Dec 9, 2021, at 11:45 AM, Donald Rigney
<RigneyD@stlouiscountymn.gov> wrote:

Good morning Mr. Niehaus,

Upon review of your conditional use permit application, it was determined that additional information is required.

Please provide the following:

1. Please describe the business in further detail.
2. Please provide hours of operation for the proposed business.
Although it appears that you will not have a commercial store front as part of the proposal, the typical hours that sales trucks may be leaving/returning and/or staff is onsite should be listed.

Feel free to contact me with any questions.

Thank you,

Donald Rigney
Senior Planner
Planning and Community Development

St. Louis County Government Services Center

320 W 2nd St, Suite 301

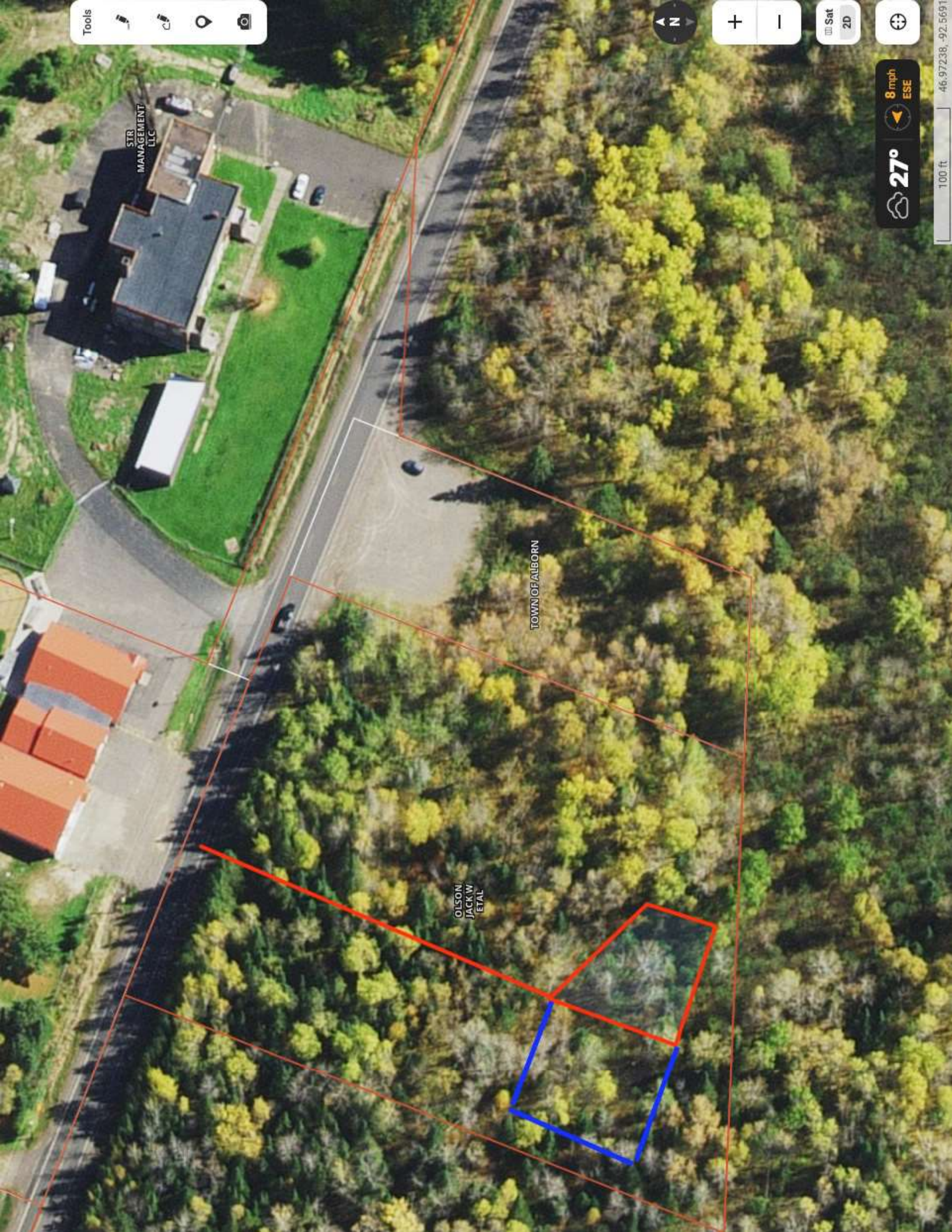
Duluth, MN 55802

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

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

RigneyD@stlouiscountymn.gov

www.stlouiscountymn.gov



STR
MANAGEMENT
LLC

TOWN OF ALBORN

OLSON
JACK W
ETAL

NO.	CHANGE DESCRIPTION	BY	DATE

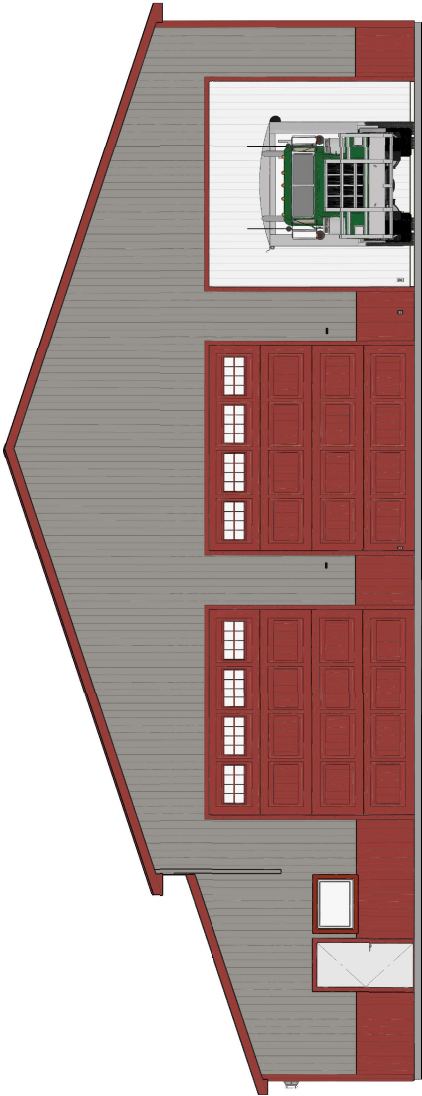
EXTERIOR ELEVATIONS

SHEET TITLE:

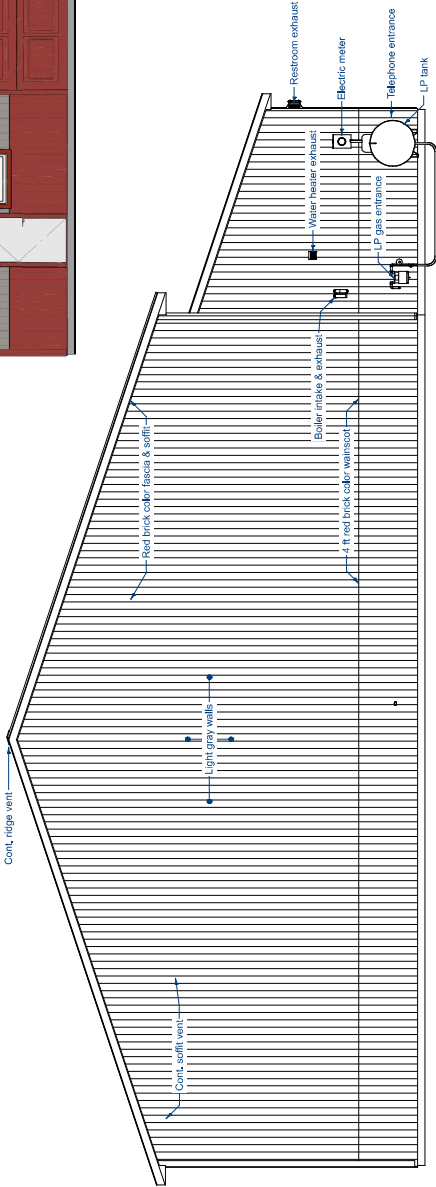
PROJECT DESCRIPTION:
Name of Project
Address

DRAWINGS PROVIDED BY:
DESIGN SERVICES
903 CARLTON AVENUE
CLOQUET, MN 55720
EMAIL: designers@msn.com
(763) 858-6545

DATE: 11/14/2021
SCALE: NOTED
SHEET: A-2



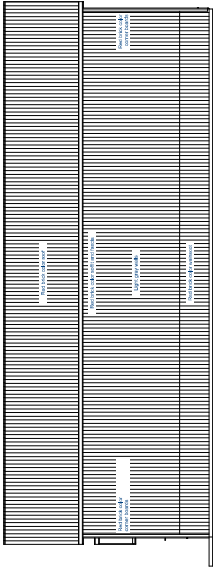
2-1 EAST SCALE: 1/4" = 1'-0"



2-2 WEST SCALE: 1/8" = 1'-0"



2-4 SOUTH SCALE: 1/8" = 1'-0"



2-3 NORTH SCALE: 1/8" = 1'-0"

NO.	CHANGE DESCRIPTION	BY	DATE

FLOOR PLAN

SHEET TITLE:

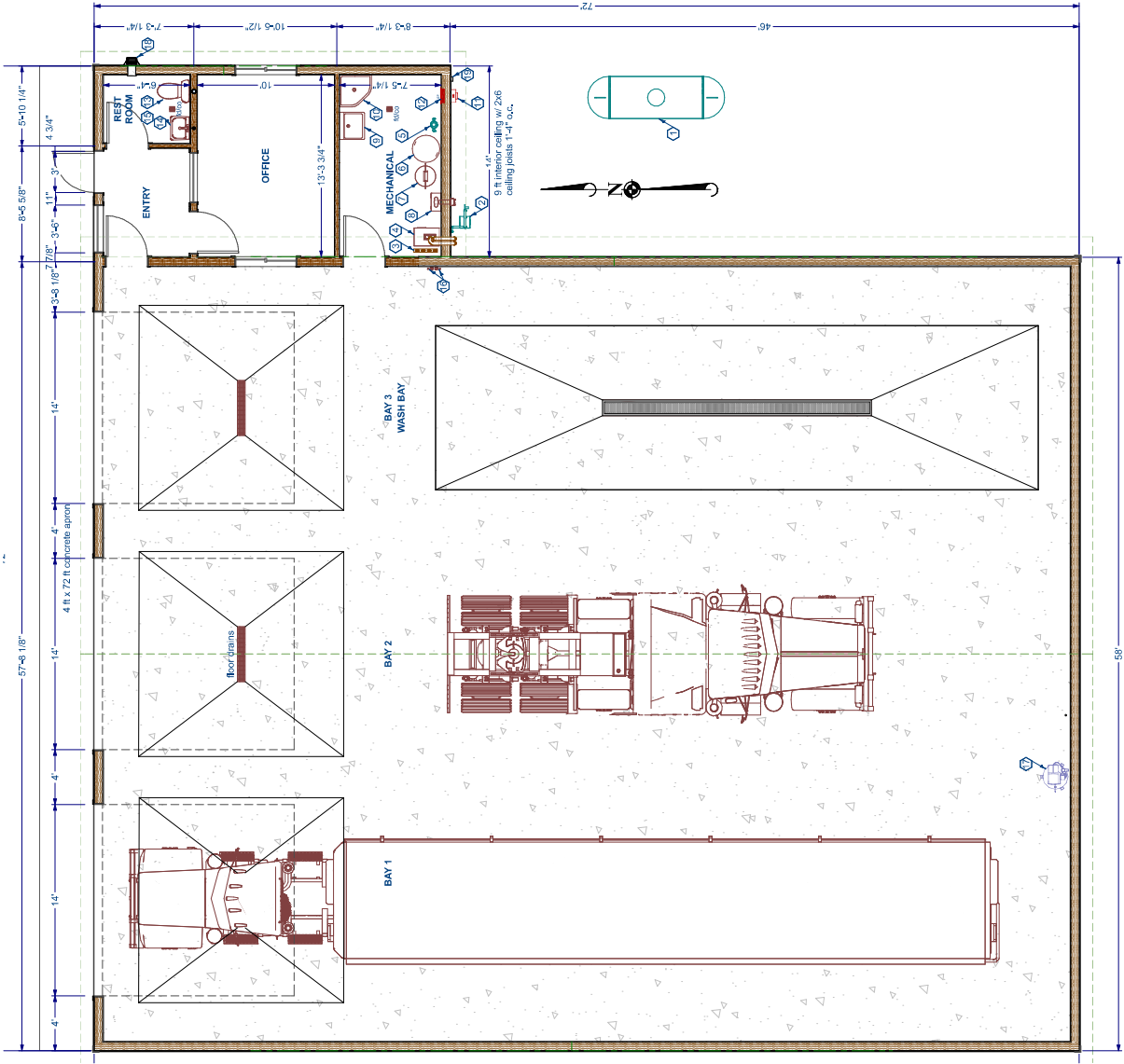
PROJECT DESCRIPTION:
Name of Project
Address

DRAWINGS PROVIDED BY:
DESIGN SERVICES
903 CARLTON AVENUE
CLOQUET, MN 55720
EMAIL: designserv@msn.com
(763) 858-6546

DATE: 11/14/2021
SCALE: 1/4" = 1'-0"
SHEET: A-3

- 3-1 PLAN NOTES**
- 1 LP gas tank 10 ft minimum from building
 - 2 LP gas entrance
 - 3 4 zone in-floor heating manifold
 - 4 LP fired in-floor boiler
 - 5 Water entrance w/ shut-off from wall
 - 6 Pressure tank
 - 7 Water filter
 - 8 On-demand LP fired hot water heater
 - 9 Utility sink
 - 10 Floor sink
 - 11 Electric meter
 - 12 200 Amp electric panel
 - 13 Toilet
 - 14 Wall mount lavatory sink
 - 15 Note: See Restroom Elevations
 - 16 Hot and cold water spigots
 - 17 Air compressor
 - 18 Wall exhaust powered vent
 - 19 Telephone entrance

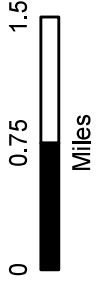
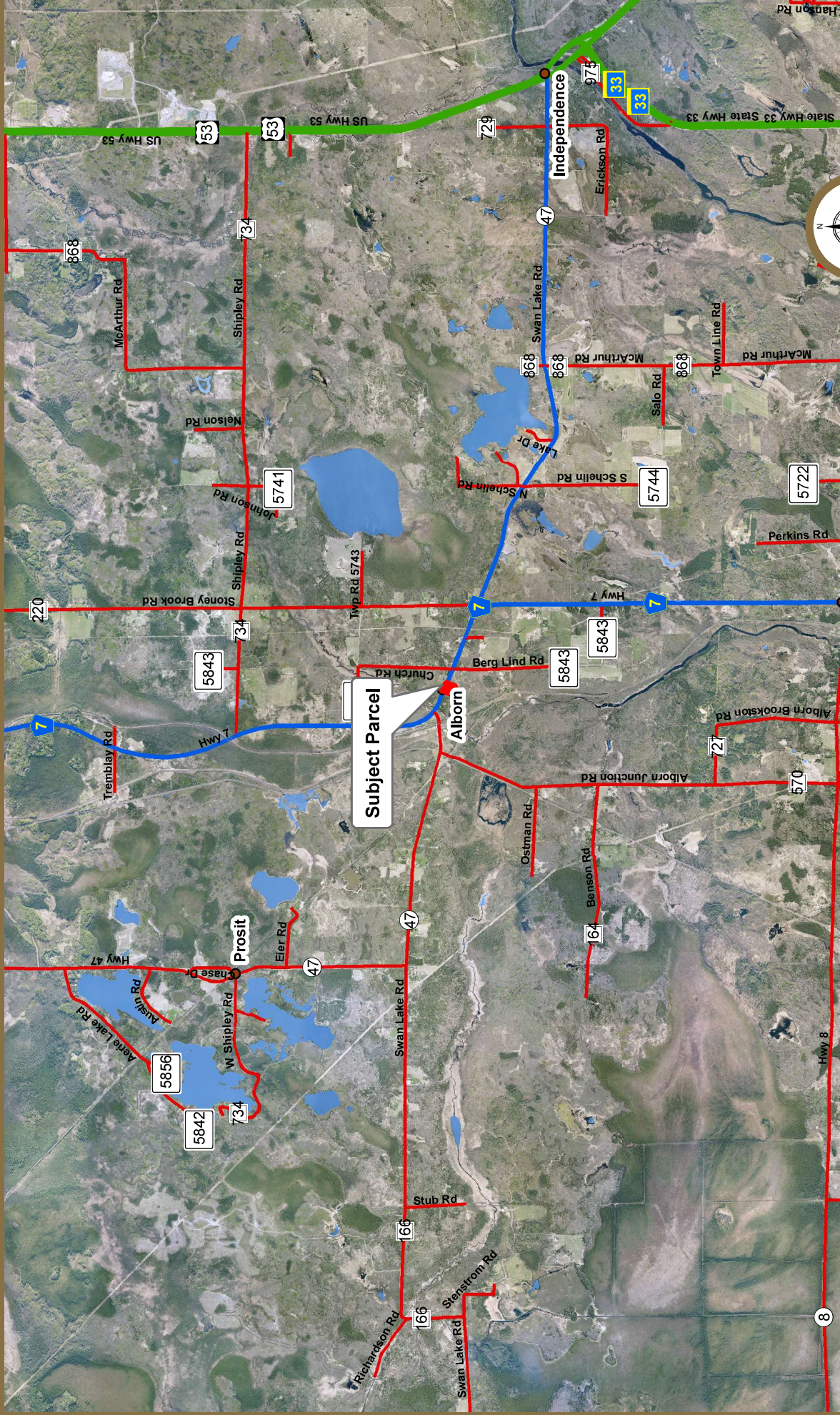
Note:
Contractor must confirm the interior and exterior colors with the Owner along with the particular steel siding manufacturer and the associated details.





St. Louis County

January PC Meeting



Shawn Niehaus

Location Map

PIN: 205-0010-04220



Prepared By: **Planning & Community Development**
(218) 728-5000
www.stlouiscountymn.gov

Source: St. Louis County

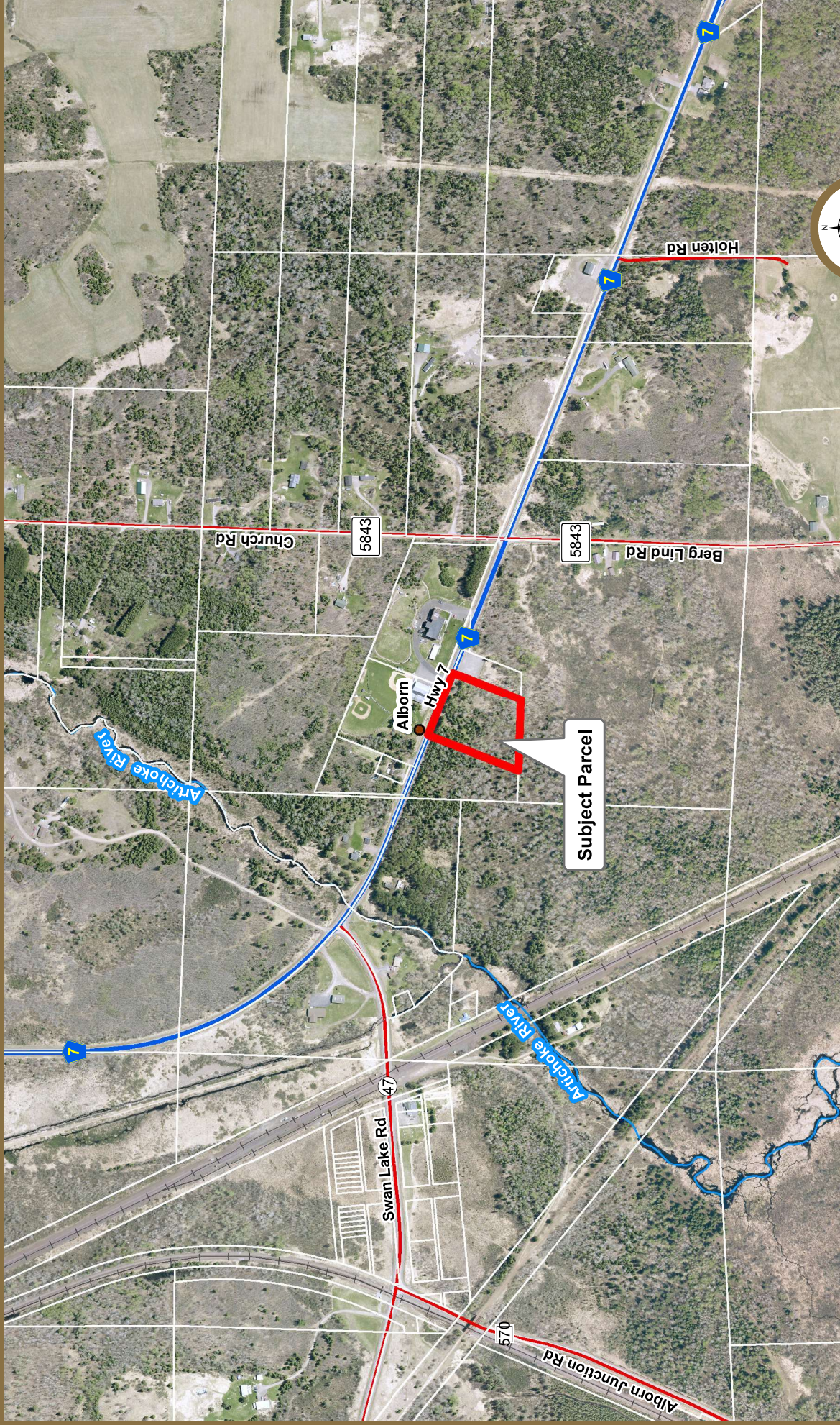
Map Created: 12/7/2021

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St. Louis County

January PC Meeting



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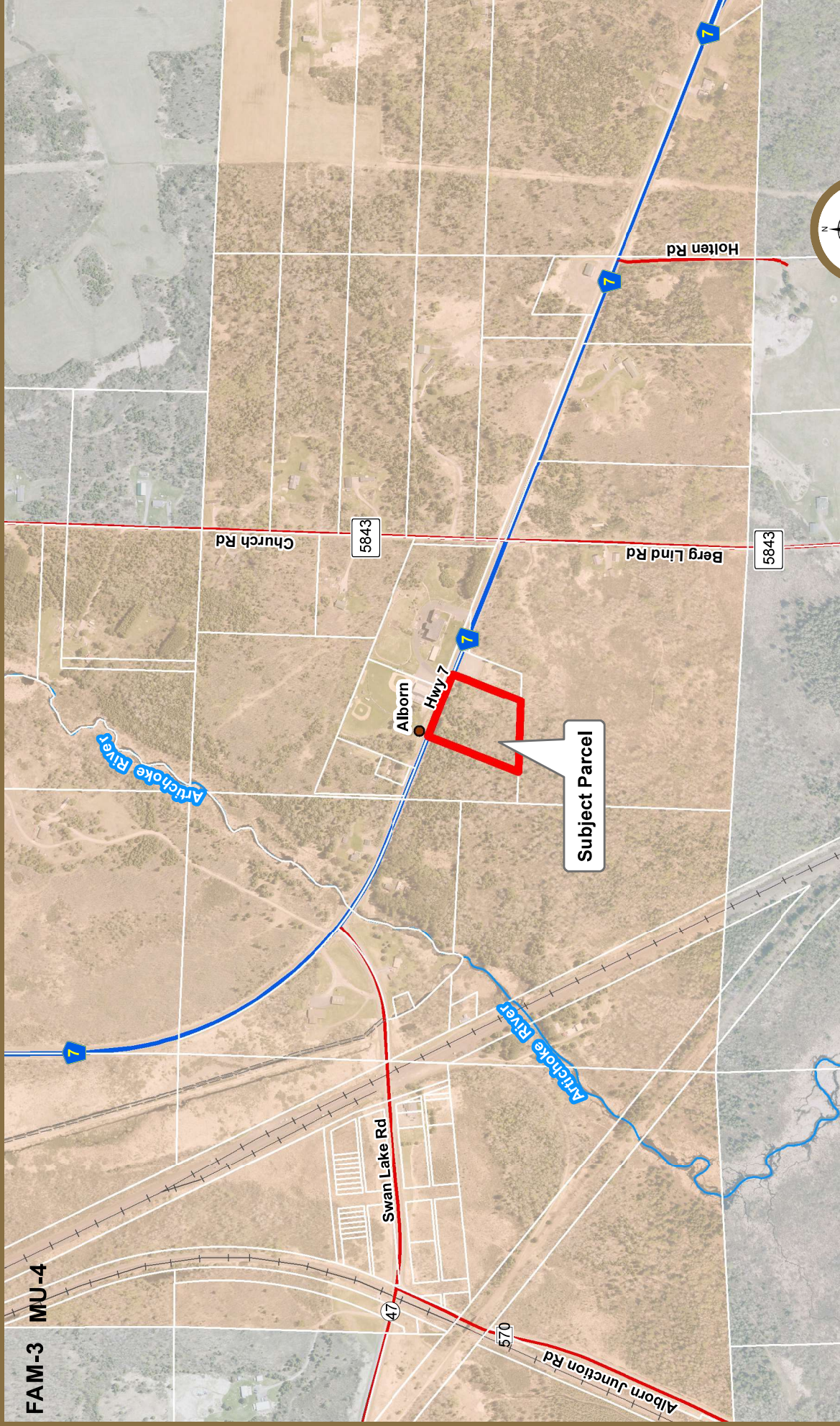
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Shawn Niehaus
Location Map
PIN: 205-0010-04220




St. Louis County

January PC Meeting




Shawn Niehaus
Zoning Map
PIN: 205-0010-04220




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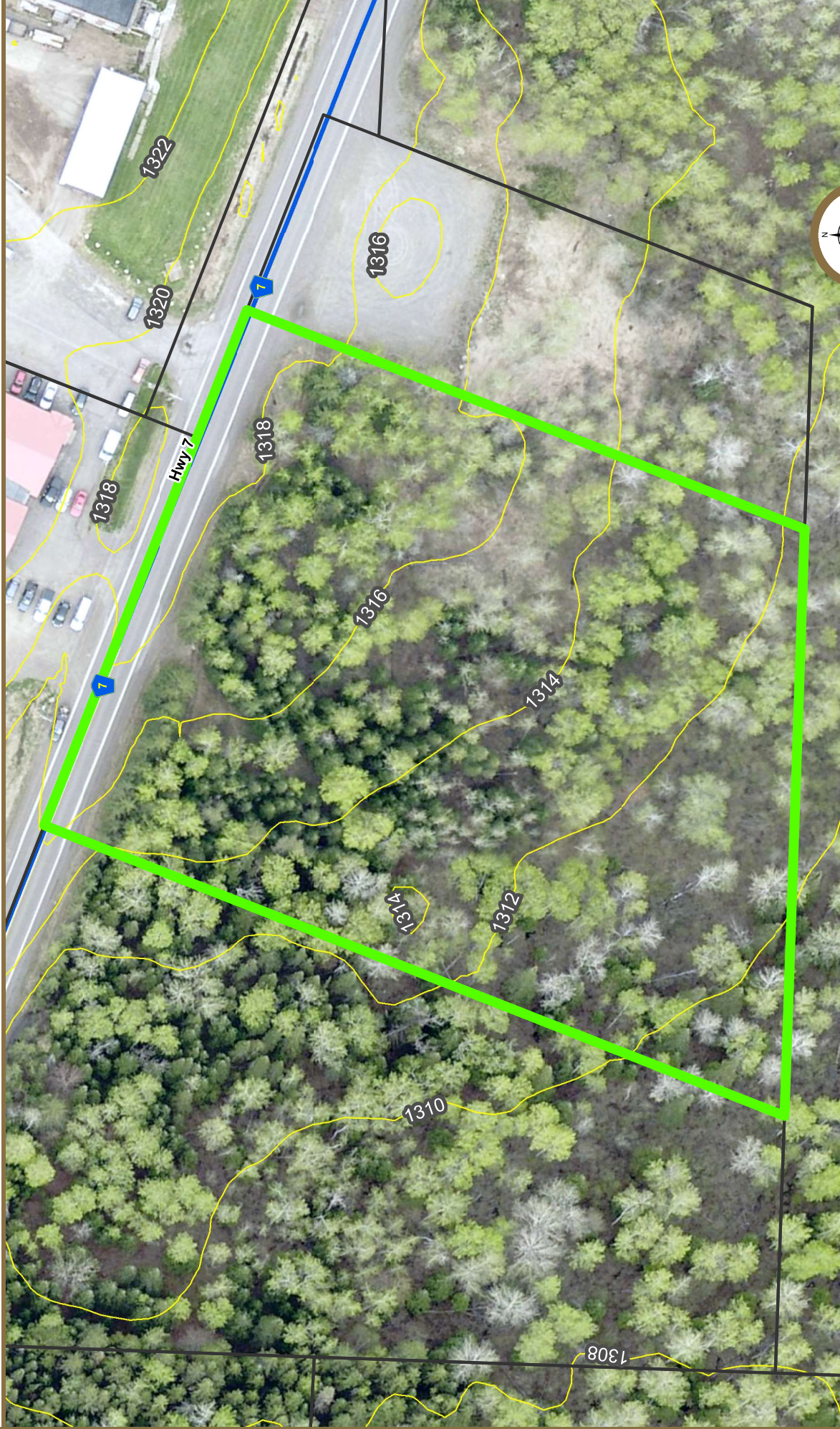
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St. Louis County MN

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January PC Meeting



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Shawn Niehaus
Site/Elevation
PIN: 205-0010-04220



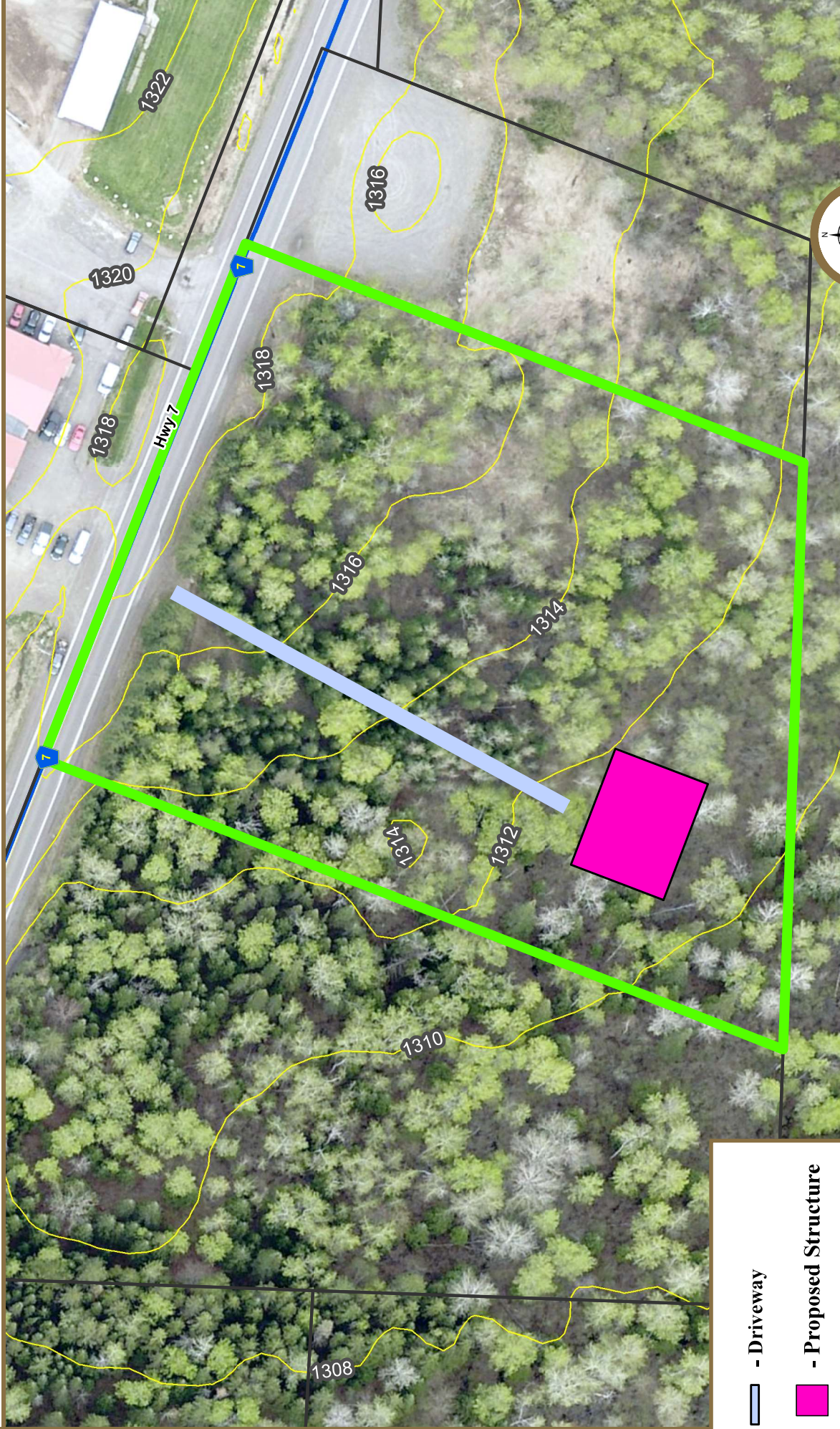
0 30 60 90
Feet





St. Louis County

January PC Meeting



- Driveway

- Proposed Structure

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(216) 726-5000
www.stlouiscountymn.gov

Source: St. Louis County

Map Created: 12/22/2021

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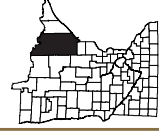
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Shawn Niehaus

Proposal

PIN: 205-0010-04220



St. Louis County MN

St. Louis County

January PC Meeting



St. Louis County MN

0 140 280 420 Feet

Shawn Niehaus

Neighborhood

PIN: 205-0010-04220

Planning & Community Development
 (216) 723-5000
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- Alborn Township
- Subject Property

Entrance from Highway 7



Highway 7

Looking West



Looking East





Site of Proposed Structure



Proposed Structure Site Looking Towards Highway 7