

MINUTES OF A PUBLIC HEARING CONDUCTED BY THE ST. LOUIS COUNTY PLANNING COMMISSION HELD THURSDAY, MAY 9, 2019, ST. LOUIS COUNTY PUBLIC WORKS, LOWER-LEVEL TRAINING ROOM, VIRGINIA, MN.

9:00 A.M. – 10:23 A.M.

Planning Commission members in attendance: David Anderson
Steve Filipovich
Daniel Manick
Dave Pollock
Roger Skraba, Vice Chair
Ray Svatos
Diana Werschay

Planning Commission members absent: Sonya Pineo, Chair
Commissioner Keith Nelson

Also present: Thomas Stanley, St. Louis County Attorney's Office.

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

NEW BUSINESS:

- A. Martin P McLaughlin, a rehearing for a conditional use permit for a Recreational Vehicle park as a Planned Development - Class II.
- B. Geoff Parsons, a conditional use permit for establishing a Residential Use in a Commercial Zone District.

OTHER BUSINESS:

Motion by Svatos/Manick to approve the minutes of the April 11, 2019 meeting.

In Favor: Filipovich, Manick, Pollock, Skraba, Svatos, Werschay - 6

Opposed: None – 0

Abstained: Anderson - 1

Motion carried 6-0-1

Jenny Bourbonais, Acting Secretary, handed out the proposed language for vacation home rentals as well as performance standard language. This will include public meetings, open houses and a future Planning Commission public hearing to adopt language into the Zoning Ordinance in 2020. Staff is currently working on an interested parties group.

Thomas Stanley, St. Louis County Attorney's Office, gave an update to the Meadows appeal.

Peterson Excavating & Landscaping LLC

Jenny Bourbonais, Acting Secretary, stated that the Planning Commission's decision at the April 11, 2019 hearing did not specifically include a waiver from Zoning Ordinance 62, Article VI, Section 6.22 G. to impact wetlands. If the applicant is unable to use the existing access off of

Midway Road, the applicant will need to access the property off of Kehtel Road, which would require crossing wetlands. This waiver would allow a zero foot buffer setback where a 50 foot buffer setback is required to cross wetlands. The Planning Commission had encouraged the applicant to use the existing access.

The *Planning Commission* agreed that the waiver from Zoning Ordinance 62, Article VI, Section 6.22 G. to impact wetlands was included in the decision. No further action was taken.

NEW BUSINESS:

Martin McLaughlin

The first hearing item is for Martin McLaughlin, a rehearing for a conditional use permit for a Recreational Vehicle (RV) park as a Planned Development-Class II, located in S28, T60N, R21W (French). *Mark Lindhorst*, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. This is a rehearing for a case originally heard May 10, 2018. The decision was a denial without prejudice in order for the applicant to provide further information on how and if potable water can be supplied to the park.
- B. The original request was for a commercial business expansion to include a recreational vehicle (RV) park.
- C. There is currently a restaurant located on the property. The restaurant is served by the French Township municipal district.
- D. The applicant is requesting 32 RV sites. The Minnesota Department of Health will determine the final number of RV sites allowed. There are two tiers of development proposed based on density.
- E. The original request sent to the township included other commercial uses. Staff had discussed with the applicant these uses based on the size of the property. The applicant chose to move forward with only the RV park which would include a bathhouse, but not any other commercial uses.
- F. A new septic permit will be required.
- G. The applicant had the closest neighboring well tested. No petroleum was found in that well water.
- H. There will be a well drilled. There are two well locations proposed; however, the Minnesota Pollution Control Agency (MPCA) does not recommend drilling a well in the first proposed location. There is no information on if the second proposed well location would have any impacts. The applicant is also considering a river water system.

Mark Lindhorst reviewed staff facts and findings as follows:

- A. Plans and Official Controls:
 - 1. Zoning Ordinance 62, Article V., Section 5.5 D., indicates Commercial RV parks are an allowed use with a conditional use permit.
 - 2. The proposed commercial business is located within the Lakeshore Development Area (LDA) of the St. Louis County Comprehensive Plan. This area is intended for rural development adjacent to lakes, including redevelopment of existing commercial areas.

B. Neighborhood Compatibility:

1. The proposed use is an expansion of an existing commercial restaurant/bar.
2. There are existing commercial businesses adjacent to the north and east.
3. There is suitable off-street parking and good access onto an established county road.

C. Orderly Development:

1. This site has had historic use as a commercial business.
2. The site is located within the community core, which is an area designated by French Township as “from the Riverside Inn to Bimbos.”
3. The proposed location of the RVs will be well-screened from neighboring properties, which is a priority in the Town of French Land Use Plan.

D. Desired Pattern of Development:

1. The pattern of development in the area is commercial, as allowed per the Town of French Land Use Plan. There is a restaurant/bar located across the highway to the east and a gas station/convenience store located to the north.
2. There are no residential properties located across the river. The closest residence is located adjacent to the east.

Mark Lindhorst noted five items of correspondence from David and Pamela Angen, Irene White, and Mike and Diane Coon in opposition of the request. Additionally, correspondence was received from Bill Schuster, French Township Supervisor and MPCA regarding the water supply system concerns and the Town of French Resolution. These items were handed out to the Planning Commission prior to the hearing.

STAFF RECOMMENDATION

In the event that the Planning Commission determines that the proposal meets the criteria for an RV park as a Planned Development-Class II, the following conditions shall apply:

Condition Precedent:

1. The applicant shall provide results indicating that the well meets drinking water standards prior to issuance of permit.

Conditions Concurrent:

1. The number of RV sites shall not exceed the commercial planned development standards.
2. St. Louis County on-site sewage treatment regulations shall be followed.
3. The applicant shall comply with the Minnesota Accessibility Code.
4. All recreational vehicle administrative standards shall be met.
5. The applicant shall comply with all county, state and federal regulations.

Bill Schuster, French Township Supervisor, stated that their town resolution addressed three concerns, including the water supply, septic and the additional commercial uses that were originally on the application. The township has worked with hydrology specialist Carlson McCain from the Twin Cities area to confirm the municipal water system does not have the capacity to handle the proposed water supply. The MPCA never explained that the wells in the area had not been affected by petroleum but the landowners with wells were added to the municipal water

system as a precautionary measure. Expanding the municipal water system would push it into a higher threshold and usage category and require more work. Those on the system already have trouble with getting enough water.

Gene Capitani, French Township Supervisor, stated that he is concerned a high-power pump could draw petroleum across the river.

Martin McLaughlin, the applicant, stated he is working with a private firm as to where to drill a new well. He is working with Gary Collyard at the Minnesota Department of Health regarding the actual campsites. Access to the park will be from Highway 5. There are trees that exist along the property line to buffer the amount of smoke. He will follow the regulations as far as fire pits are allowed. He clarified the ratio for water usage will be 50 gallons for a campsite and 100 gallons for septic use per day.

Two members of the audience spoke with concerns:

David Angen, 7565 Libke Road, Side Lake, stated he is concerned about the volume of water. He has a drilled well and barely gets any water flow. If there are 32 RV sites and a bathhouse, there could be a large amount of water drawn.

Amy Martin, 7528 Libke Road, Side Lake, stated she is also concerned about the water supply as well as the amount of people a park will bring in. Libke Road will not be able to handle the amount of traffic that the park would bring in. Additional concerns include smoke and the amount of clearing on the proposed site. Trees have been cleared and a trail/path created to Libke Road. She can see the entire property out her back door.

No other audience members spoke.

The *Planning Commission* discussed the following:

- A. Commission Member *Skraba* asked if they could alter the proposed staff condition to include river water as a viable solution. *Jenny Bourbonais*, Acting Secretary, suggested the word 'well' be changed to 'water' and that would include both water sources.
- B. Inquired how often the water is tested. *Bill Schuster* stated the water in the municipal water system is tested annually. There is no current well water testing. The MPCA had an open case which then closed when no petroleum was found.
- C. Inquired where it was stated that the only access is onto Highway 5. *Mark Lindhorst* stated that this was from the original request in May 2018. The applicant provided a picture showing that the existing trail on the property is Old Highway 5.
- D. Commission member *Pollock* requested a friendly amendment to add a condition that no commercial access shall be off of Libke Road.

DECISION

Motion by *Skraba/Manick* to approve a conditional use permit to allow a RV park as a Planned Development-Class II, based on the following facts and findings:

A. Plans and Official Controls:

1. Zoning Ordinance 62, Article V., Section 5.5 D., indicates Commercial RV parks are an allowed use with a conditional use permit.
2. The proposed commercial business is located within the Lakeshore Development Area (LDA) of the St. Louis County Comprehensive Plan. This area is intended for rural development adjacent to lakes, including redevelopment of existing commercial areas.

B. Neighborhood Compatibility:

1. The proposed use is an expansion of an existing commercial restaurant/bar.
2. There are existing commercial businesses adjacent to the north and east.
3. There is suitable off-street parking and good access onto an established county road.

C. Orderly Development:

1. This site has had historic use as a commercial business.
2. The site is located within the community core, which is an area designated by French Township as “from the Riverside Inn to Bimbos.”
3. The proposed location of the RVs will be well-screened from neighboring properties, which is a priority in the Town of French Land Use Plan.

D. Desired Pattern of Development:

1. The pattern of development in the area is commercial, as allowed per the Town of French Land Use Plan. There is a restaurant/bar located across the highway to the east and a gas station/convenience store located to the north.
2. There are no residential properties located across the river. The closest residence is located adjacent to the east.

The following conditions shall apply:

Condition Precedent:

1. The applicant shall provide results indicating that the water supply meets drinking water standards prior to issuance of permit.

Conditions Concurrent:

1. The number of RV sites shall not exceed the commercial planned development standards.
2. St. Louis County on-site sewage treatment regulations shall be followed.
3. The applicant shall comply with the Minnesota Accessibility Code.
4. All recreational vehicle administrative standards shall be met.
5. The applicant shall comply with all county, state and federal regulations.
6. Commercial access to the RV park shall only be off of Highway 5.

In Favor: Anderson, Filipovich, Manick, Pollock, Skraba, Svatos, Werschay - 7

Opposed: None – 0

Motion carries 7-0

Geoff Parsons

The second hearing item is for Geoff Parsons, a conditional use permit for establishing a Residential Use in a Commercial Zone District, located in S25, T51N, R15W (Canosia). *Donald Rigney*, St. Louis County Planner, reviewed the staff report as follows:

- A. The request is for a residential use in a commercial zone district.
- B. The applicant wants to construct a dwelling with an attached garage. The residence will be located in an upland area and will meet all required setbacks.
- C. The parcel is split between two zone districts. The development is within the Commercial (COM)-11 zone district.

Donald Rigney reviewed staff facts and findings as follows:

A. Plans and Official Controls:

1. The parcel is split by two zone districts; Residential (RES)-5 and Commercial (COM)-11. The proposed dwelling will be located within the commercial zone district.
2. Zoning Ordinance 62 requires conditional use approval for establishing a residential use in a Commercial Zone District.
3. The applicant's parcel is designated Rural Communities (RC) within Planning Area 6 on the Future Land Use Map found in the St. Louis County Comprehensive Land Use Plan.
4. One of the primary uses within this designation includes single family residential.

B. Neighborhood Compatibility:

1. There are four residential properties and one industrial property within 625 feet of the applicant's parcel. All five of these properties had been established while Canosia Township was the zoning authority.
2. The residential uses would have been allowed with a land use permit under Canosia Township's zoning prior to February 1, 2019.

C. Orderly Development:

1. The proposed use is consistent with the existing residential uses in the area.

D. Desired Pattern of Development:

1. The area where the parcel is located is designated as Rural Communities (RC) on the future land use map.
2. The RC designation, as well as the existing character of the neighborhood, indicates that residential uses are and will continue to be one of primary uses in the area.

E. Other Factors:

1. St. Louis County became the zoning authority for Canosia Township on February 1, 2019.
2. Prior to St. Louis County becoming the zoning authority, the parcel was zoned Commercial/Limited Industrial (COMLIN).
3. When St. Louis County's proposed zoning map of Canosia was approved by Canosia Township, the intent was to mirror Canosia's zoning map by splitting the COMLIN district to COM and LI (Commercial and Limited Industrial). The actual outcome

- effectively changed what was allowed with a Land Use Permit due to COMLIN allowing different uses than COM.
4. The COMLIN zone district allowed Residential uses with a Land Use Permit, whereas, Residential uses are allowed with a Conditional Use Permit in COM.
 5. St. Louis County will evaluate the zoning in this area in the future with Canosia Township and its residents to determine if the zoning designation should be changed.

Donald Rigney 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 Residential Use in a Commercial Zone District, the following conditions shall apply:

1. St. Louis County on-site sewage treatment regulations shall be followed.
2. The applicant shall comply with all county, state and federal regulations.
3. If the zoning district remains Commercial, no additional Conditional Use Permits shall be required for future Residential Uses.

Geoff Parsons, the applicant, stated that he has nothing to add.

No other audience members spoke.

DECISION

Motion by Anderson/Manick to approve a conditional use permit to allow a Residential Use in a Commercial Zone District, based on the following facts and findings:

A. Plans and Official Controls:

1. The parcel is split by two zone districts; Residential (RES)-5 and Commercial (COM)-11. The proposed dwelling will be located within the commercial zone district.
2. Zoning Ordinance 62 requires conditional use approval for establishing a residential use in a Commercial Zone District.
3. The applicant's parcel is designated Rural Communities (RC) within Planning Area 6 on the Future Land Use Map found in the St. Louis County Comprehensive Land Use Plan.
4. One of the primary uses within this designation includes single family residential.

B. Neighborhood Compatibility:

1. There are four residential properties and one industrial property within 625 feet of the applicant's parcel. All five of these properties had been established while Canosia Township was the zoning authority.
2. The residential uses would have been allowed with a land use permit under Canosia Township's zoning prior to February 1, 2019.

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3. When St. Louis County's proposed zoning map of Canosia was approved by Canosia Township, the intent was to mirror Canosia's zoning map by splitting the COMLIN district to COM and LI (Commercial and Limited Industrial). The actual outcome effectively changed what was allowed with a Land Use Permit due to COMLIN allowing different uses than COM.
4. The COMLIN zone district allowed Residential uses with a Land Use Permit, whereas, Residential uses are allowed with a Conditional Use Permit in COM.
5. St. Louis County will evaluate the zoning in this area in the future with Canosia Township and its residents to determine if the zoning designation should be changed.

The following conditions shall apply:

1. St. Louis County on-site sewage treatment regulations shall be followed.
2. The applicant shall comply with all county, state and federal regulations.
3. If the zoning district remains Commercial, no additional Conditional Use Permits shall be required for future Residential Uses.

In Favor: Anderson, Filipovich, Manick, Pollock, Skraba, Svatos, Werschay - 7

Opposed: None – 0

Motion carries 7-0

Motion to adjourn by Werschay. The meeting was adjourned at 10:23 a.m.