



# ST. LOUIS COUNTY PLANNING COMMISSION STAFF REPORT

INSPECTION DATE: N/A

REPORT DATE: 8-24-22

MEETING DATE: 9-15-22

## APPLICANT INFORMATION

**APPLICANT NAME:** Richard Nelson

**APPLICANT ADDRESS:** P.O. Box 138, Side Lake, MN 55781

**OWNER NAME:** Same as above

**SITE ADDRESS:** 7656 Hwy 5, Side Lake, MN 55781

**LEGAL DESCRIPTION:** Lots 28-32 Block 12 of the Plat of Sturgeon Park, S21, T60N, R21W (French)

**PARCEL IDENTIFICATION NUMBER (PIN):**

**NATURE OF REQUEST:** A conditional use permit for a Short Term Rental as a Residential Use - Class II.

**PROPOSAL DETAILS:** The applicant is proposing to use the property as a short term rental. This proposal requires a conditional use permit due to the lot being zoned Residential (RES) and not meeting zoning minimums. Zoning minimums for the subject parcel require 1 acre and 150 feet of lot width and the subject parcel has approximately 0.37 acre and 122 feet in lot width. The proposed intended days for rental are 168, which does not constitute a commercial use.

## PARCEL AND SITE INFORMATION

**ROAD ACCESS NAME/NUMBER:** Hwy 5

**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:** Development on the property induces the residential dwelling, an accessory structure, and a septic system.

**ZONE DISTRICT:** RES 7

**PARCEL ACREAGE:** 0.37

**LOT WIDTH:** 122 FEET

**FEET OF ROAD FRONTAGE:** 122 FEET

**FEET OF SHORELINE FRONTAGE:** 0 FEET

## PARCEL AND SITE INFORMATION

**VEGETATIVE COVER/SCREENING:** The property has some vegetative screening from neighboring parcels. The structures are visible from Hwy 5.

**TOPOGRAPHY:** The property is fairly flat with a slope from NE to SW of approximately 4-5 percent.

**FLOODPLAIN ISSUES:** The property is several feet above the floodplain in the area.

**WETLAND ISSUES:** There does not appear to be wetland issues on the property.

**ADDITIONAL COMMENTS ON PARCEL:** The property is a nonriparian lot in a shoreland area (back lot). The parcel is located approximately 290 feet from Side Lake.

## FACTS AND FINDINGS

### A. Plans and Official Controls:

1. St. Louis County Zoning Ordinance 62 Article VI, Section 6.32 states that a Residential Use – Class II requires a performance standard permit or a conditional use permit within the RES zone district.
  - a. Additional standards are required for properties located in residentially zoned areas. If the standards cannot be met, a conditional use permit is required.
  - b. In this case, the subject parcel does not meet the additional standard that states the use must be located on a parcel that meets current minimum zoning requirements.
2. St. Louis County Zoning Ordinance Article III, Section 3.2 states minimum lot dimensions for each zone district.
  - a. The subject parcel is zoned RES-7 which requires a minimum of 1 acre and 150 feet in width.
  - b. The subject parcel has approximately 0.37 acres and 122 feet of lot width.
3. The property is located in the Lakeshore Development Areas of the Future Land Use Map in the Comprehensive Land Use Plan.
4. Objective ED-2.1 of the St. Louis County Comprehensive Land Use Plan is to recognize and ensure regulatory fairness across a thriving lodging industry that includes hotels, bed and breakfasts, and vacation rentals.

### B. Neighborhood Compatibility:

1. The existing neighborhood near the subject parcel consists of mainly residential uses.
2. The subject parcel is zoned RES.
  - a. A short term rental is an allowed use in a residential zone district provided all standards are met or a conditional use permit is granted.

### C. Orderly Development:

1. A majority of the parcels in the immediate lakeside area are zoned residential.
  - a. Due to the underlying zoning, future development is expected to consist of primarily residential use, which may include other short term rentals.
2. A short term rental use can benefit the County with supplying additional lodging options for tourists/residents, as well as contributing to the County lodging tax base.

#### **D. Desired Pattern of Development:**

1. The underlying zoning of residential limits certain uses and is intended for areas in the county with extensive residential development or potential for extensive residential development.
2. Development patterns in the subject area are expected to be primarily residential.
  - a. Proposed short term rentals are also expected to be part of development patterns.
3. The conditional use permit process allows other landowners in the area to provide feedback on the proposed short term rental.
4. The proposed intended rental days of 168 does not constitute a commercial use.

#### **E. Other Factor(s):**

1. The current certificate of compliance on the property expired on 9-01-22.
  - a. A new compliance inspection may be required per On-Site Waster SSTS requirements.
2. The existing system appears to have been designed for two bedrooms.
  - a. The proposed number of 8 guests may not be allowed as the maximum occupancy of the short term rental would be limited to 4, unless the septic system is upgraded in the future.

**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**

If the Planning Commission determines that the proposal meets the criteria for granting a conditional use permit to allow Short Term Rental as a Residential Use – Class II on property that does not meet the minimum zoning requirements, the following conditions shall apply:

1. All other short term rental standards shall be met.
2. St. Louis County Onsite Wastewater SSTS standards shall be followed.
3. All other local, state, and federal standards shall be met.
4. Permitted short term rental use shall not be transferrable upon a change in ownership of the subject property.