

AGENDA
MEETING OF THE MARSHALL PLANNING COMMISSION
WEDNESDAY – JANUARY 11, 2023
COUNCIL CHAMBERS – CITY HALL
5:30 P.M.

- 1) *Call to Order*
- 2) *Consider the approval of the minutes of the December 14, 2022, regular meeting of the Marshall Planning Commission.*
- 3) *Conduct Public Hearing for Interim Use Permit for storage containers in a B-3 General Business District at 508 Baseline Road.*
- 4) *Preliminary Plat of Kwik Trip 1255*
- 5) *Other Business*
- 6) *Adjourn*

**MINUTES OF THE
MARSHALL PLANNING COMMISSION MEETING
DECEMBER 14, 2022**

MEMBERS PRESENT: Lee, Deutz, Doom, Pieper and Muchlinski

MEMBERS ABSENT: Stoneberg

OTHERS PRESENT: Jason Anderson, Ilya Gutman, and Amanda Schroeder

1. The meeting was called to order by Chairperson Lee. She asked for the approval of the minutes of the November 9, 2022, regular meeting of the Marshall Planning Commission. Doom MADE A MOTION, SECOND BY Deutz, to approve the minutes as written. ALL VOTED IN FAVOR OF THE MOTION.
2. Gutman said this will be a public hearing on the Marshall 2040 Comprehensive Plan and Mitch Brouse, a planner for SRF group, will run it by zoom. Brouse gave a plan overview. The Comprehensive Plan is a guide to help make decisions that are in line within the Comp Plan goals. It serves as a plan for future growth and high-level priorities. This is a living document which means that as the community grows, revisions may be made to adjust the plan for the changes. The draft plan is an 8-chapter plan. Brouse gave an overview of each chapter. Lee thanked the task force and staff that worked on this. Muchlinski MADE A MOTION, SECOND BY Pieper to close the public hearing. ALL VOTED IN FAVOR OF THE MOTION. Doom MADE A MOTION, SECOND BY Muchlinski to recommend to City Council. ALL VOTED IN FAVOR OF THE MOTION.
3. Gutman explained these are changes to the Zoning ordinance definitions that clarify and explain terms used in the zoning ordinance; some are added, and some are revised and/or coordinated for improved consistency and better understanding. Some terms not used in the ordinance are also removed, including all sign related definitions which have been moved to the Sign ordinance. Staff recommends the recommendation to the City Council approving the revisions amending Section 86-1 Definitions. Muchlinski MADE A MOTION, SECOND BY Deutz, to recommend to City Council as recommend by staff. ALL VOTED IN FAVOR OF THE MOTION.
4. Gutman said this change is the result of the City's proposed Rental ordinance, when bed and breakfast will become a short-term rental covered by the new ordinance as any other rental property in town. This will save owners money and allow for simpler process. This change will not be brought before the City Council for consideration of final adoption until the rental ordinance is approved. Staff recommends the recommendation to the City Council repealing Section 86-51 Bed and breakfast. Pieper MADE A MOTION, SECOND BY Doom, to recommend to City Council as recommend by staff. ALL VOTED IN FAVOR OF THE MOTION.
5. Gutman informed these changes are miscellaneous in nature and fall into three different categories. Some are the result of the near future Rental Ordinance adoption: they include allowing more than three unrelated adults living in a house, making bed and breakfast a permitted use, and moving keeping any number of boarders and roomers from Conditional Use to Accessory Use. Some changes are derived from the new Comprehensive Plan, such as referring to unit density and removing some conditional uses, for example, golf clubs and museums; these changes will help with keeping this zoning district more residential in nature. And the rest are just housekeeping items to make things more consistent and easier to read and understand and better coordinate with other sections. Staff recommends the recommendation to the City Council approving the revisions

--UNAPPROVED --

amending Section 86-97 One-Family Residence District. Muchlinski asked about changes related to number of adults. Gutman said that currently only 3 unrelated adults are permitted in rental house and that will be removed. Doom said it is a regulation that is impossible to enforce. Muchlinski MADE A MOTION, SECOND BY Pieper, to recommend to City Council as recommend by staff. ALL VOTED IN FAVOR OF THE MOTION.

6. Gutman explained these are minimal changes to the parking spaces table. One change was made necessary by a Rental ordinance being proposed and another was the result of analyzing a specific request for parking to significantly exceed current requirements. Staff recommends the recommendation to the City Council approving the revisions amending Section 86-230 Required number of spaces. Pieper asked about parking complaints. Gutman said complaints are from parking on the street. Anderson said the purpose is to set a minimum standard for parking. Pieper asked about the new apartment building. Anderson said that is downtown district and there are no parking requirements there, but they do have a Conditional Use Permit to have apartments in the downtown so there is a condition added for parking. Deutz MADE A MOTION, SECOND BY Muchlinski, to recommend to City Council as recommend by staff. ALL VOTED IN FAVOR OF THE MOTION.
7. A MOTION WAS MADE BY Doom, SECOND BY Pieper to adjourn the meeting. ALL VOTED IN FAVOR. Chairperson Lee declared the meeting adjourned.

Respectfully submitted,
Chris DeVos, Recording Secretary

MEMORANDUM

TO: Members of the Marshall Planning Commission
Sharon Hanson, City Administrator
Jason R. Anderson, P.E., Director of Public Works/Zoning Administrator *ja*

FROM: Ilya Gutman, Assistant Planning & Zoning Administrator *IG*

DATE: January 4, 2023

SUBJECT: REQUEST FOR INTERIM USE PERMIT / STORAGE CONTAINERS IN A B-3 GENERAL BUSINESS DISTRICT
Independent Lumber
508 Baseline Road

Action Recommendation

Close public hearing.

Recommend approval to the City Council of the request by Independent Lumber, for an Interim Use Permit to have a storage container on the premises at 508 Baseline Road with the following conditions:

1. That the regulations, standards, and requirements as set forth in the City Code and as pertains to the class of district in which such premises are located shall be conformed with.
2. That the City reserves the right to revoke the Interim Use Permit in the event that any person has breached the conditions contained in this permit provided that the City serve the person with written notice specifying items of any default and allow the applicant a reasonable time in which to repair such default.
3. That this permit expires when the property changes ownership.
4. That this container meets all conditions of Sec. 86-248(f) dated 04-27-2021 (as attached) by February 28, 2023, including a fence.

Background

This is the request by the Owner for an Interim Use Permit for a shipping container placement in a B-3 General business district. While containers are generally prohibited in business districts, the Ordinance allows placing one container in a General Business District by an interim use permit. The above-listed conditions include a reference to a particular Ordinance section that itemizes specific requirements for granting an Interim Use Permit for a container.

Attached is an aerial photo for reference.

Fiscal Impact

None known.

Alternatives / Variations

Deny the request

IG:cld / Attachments

INTERIM USE PERMIT
City of Marshall, Minnesota

WHEREAS, the Planning Commission of the City of Marshall has held a Public Hearing for a Interim Use Permit for to have a storage container on the premises at the location described as:

State of Minnesota, County of Lyon, City of Marshall
508 Baseline Road

and, in accordance with and pursuant to the provisions of Chapter 86 of the City Code of Ordinances related to zoning; and has written findings that the establishment, maintenance or conducting of the use for which the permit is sought will not under the circumstances be detrimental to the health, safety, morals, comfort, convenience or welfare of the persons residing or working in the area adjacent to the use, or to the public welfare, or injurious to property or improvements in the area adjacent to such use; and,

WHEREAS, the Planning Commission has designated certain conditions in the granting of such use permit.

NOW, THEREFORE Be It Resolved by the Common Council of the City of Marshall, Minnesota, that an Interim Use Permit be granted to Independent Lumber to have a storage container on the premises described herein subject to the following conditions:

1. That the regulations, standards and requirements as set forth in the City Code and as pertains to the class of district in which such premises are located shall be conformed with.
2. That the City reserves the right to revoke the Interim Use Permit in the event that any person has breached the conditions contained in this permit provided that the City serve the person with written notice specifying items of any default and allow the applicant a reasonable time in which to repair such default.
3. That this permit expires when the property changes ownership.
4. That this container meets all conditions of Sec. 86-248(f) dated 04-27-2021 (as attached) by February 28, 2023.

ADOPTED January 24, 2023.

ATTEST:

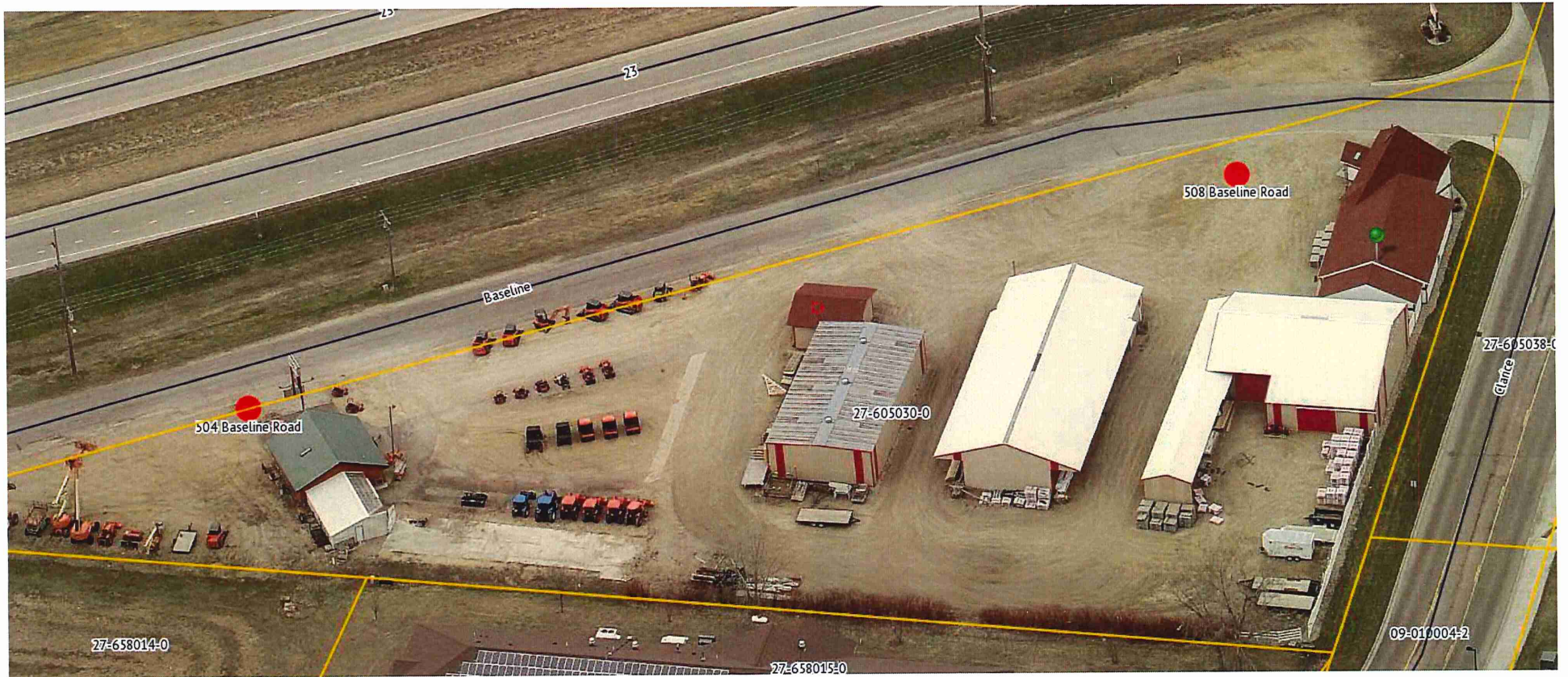
Mayor

City Clerk

(SEAL)

File No. 1158

This Instrument Drafted By:
Jason R. Anderson, P.E.
City Engineer/Zoning Administrator



Section 86-248 Outside Storage

- (a) In all classes of residential districts, open storage and accumulation of materials and equipment shall be prohibited. In all other zoning districts, open storage of materials and equipment shall be prohibited in the required front, side, and rear yards, except storage shall be allowed in the required rear yard in industrial districts. Unless prohibited elsewhere in the ordinance, any other outside storage, including outdoor storage tanks, shall be located or screened so as not to be visible from public right-of-way, public parks or any lot within 500 feet in any of the classes of business or residence districts, except in industrial and agricultural zoning districts screening from public right-of-way is not required. The screening may be achieved by fencing or landscaping means compliant with section 86-247. In all classes of business districts, the storage area shall be paved or graveled to control erosion and shall be properly maintained. Temporary storage of building materials intended for construction use on premises shall be allowed during ongoing construction and up to two weeks prior to construction and is exempt from the above requirements provided a valid building permit is obtained.
- (b) Outdoor display of retail merchandise intended for sale or rent and open to public shall be allowed in all classes of business and industrial districts. In all classes of business districts, the display area, except live plants sales area, shall be paved to control dust and erosion and facilitate access to, and moving of, displayed products. Except licensed automobile, motorcycle, off-road vehicle, and boat sales lots, and small motorized farm and lawn care equipment sales, the display area shall not be located in the required front and side yards. Outdoor display areas adjacent to any of the classes of residence districts shall be screened by fencing or landscaping means compliant with section 86-247. Outdoor display area shall be adequately lighted.
- (c) In all classes of residential districts and residential properties within other zoning districts, outdoor display and sale shall be allowed during garage and yard sales only. The display and sales area shall be located entirely within the pertinent residential property.
 - (1) Any related signage shall be limited to premises and to other private properties provided permission from the property owners is obtained; all signage shall be erected not earlier than one-day before sale and shall be removed at the termination of the sale. Such signs shall be limited to three square feet each.
 - (2) There shall be no more than four garage sales conducted during any period of 12 calendar months; there shall be no more than two garage sales conducted during any period of 30 calendar days; there shall be no garage sales conducted for more than four consecutive days; and there shall be no garage sales conducted before 7:00 a.m. or after 8:00 p.m.
- (d) Building enlargement and expansions over 50 percent of existing building footprint area, construction of additional buildings on site, or changes of use resulting in new exterior storage or display area shall cause an exterior storage/display area review by city staff for ordinance compliance.
- (e) Trash, garbage, refuse, recycling materials or any other items intended for disposal shall be stored in designated containers or dumpsters which, with the exception of R-1 and R-2 residence districts, shall be located within areas set for collection of garbage as prescribed by section 50-23. In R-1 and R-2 residence districts trash cans shall not be stored in the required front yard except on the day of garbage collection. In R-1 and R-2 residence districts furniture and other bulky items may be left at the curb for pick up by the licensed garbage hauler or anywhere in the front yard for anyone to take for no more than 48 hours. In all classes of business and industrial districts, similar items intended for disposal may be piled together for temporary storage no

longer than six months within garbage collection areas in a single stack not higher than five feet and with area no more than 100 square feet.

- (1) In all classes of multiple-family and business districts, garbage collection areas shall be paved and fully enclosed with secured access and shall not be located in the required front yard. The enclosure shall be between five and six feet high and fully opaque. If it is located next to the building, it shall be finished with materials matching the exterior of the building. Enclosure requirement does not apply in the Downtown district.
 - (2) Temporary construction dumpsters intended for demolition and other construction debris may be located outside of such enclosures during ongoing construction and up to one week before and after construction provided a valid building permit is obtained. No temporary construction dumpster shall be set on public right-of-way or public parking lot unless a city permit is secured.
- (f) Storage containers, including, but not limited to, trailers, semi-trailers, cargo and shipping containers, and PODS, are not allowed as permanent storage units in all classes of residential or business districts. Utilization of a single unit is allowed for temporary storage for no more than 30 days in a calendar year; the 30 days limit may be extended up to 180 days by an interim use permit. The above listed units used for temporary construction related storage shall be allowed during an ongoing construction project and up to a month prior to construction, provided a valid building permit is obtained. As an exception, shipping containers totaling less than 340 square feet may be permitted by an interim use permit in a B-3 general business district, with the following conditions:
- (1) The containers shall not be placed in any front or required side or rear yard.
 - (2) The containers shall be located so as not to be visible from adjacent public right-of-way, public parks, or any lot within 500 feet in any of the classes of residence districts. It may be screened by fencing or landscaping means compliant with section 86-247.
 - (3) The containers shall be new or freshly painted with neutral colors with no painted signage, lettering, or advertising and shall be properly maintained.
 - (4) The interim use permit shall expire when the property changes ownership.
- (g) In all classes of residential districts, a licensed boat, open or closed trailer, camper, motor-home, recreational vehicle or other motorized vehicle, but no more than three units, may be stored outside on the property as regulated in section 74-131. One snowmobile, ATV, golf cart, riding mower, trailer, boat, or camper can be displayed for sale in the front yard, provided it has not been purchased or consigned for resale and is not displayed for longer than seven consecutive days or longer than 30 days in a calendar year. No storage or accumulation of any materials in trailers is permitted.

(Code 1976, § 11.19(3)(A)(2); Ord. No. 687, § 1, 6-10-2014; Ord. No. 749 2nd series, § 1, 6-23-2020; Ord. No. 21-002, § 1, 4-27-2021)

Editor's note(s)—Ord. No. 687, § 1, adopted June 10, 2014, amended the title of § 86-248 to read as set out herein. Previously § 86-248 was titled storage of materials.

HISTORY

Amended by Ord. [22-005](#) on 5/10/2022



CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Jason Anderson
Meeting Date:	Wednesday, January 11, 2023
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Preliminary Plat of Kwik Trip 1255
Background Information:	<p>Attached please find a copy of the preliminary plat of Kwik Trip 1255.</p> <p>Kwik Trip has purchased the three parcels at the corner of N. Bruce Street and E. College Drive with the intent of building a new gas station and convenience store at this location. The purpose of the plat here is to combine all parcels into one and to ensure that all property issues are addressed prior to building on the site.</p> <p>Attached please find a copy of the Engineer's Report of Preliminary Plat Review. Copies of the proposed subdivision has been sent to the local utility companies for their review and comments.</p>
Fiscal Impact:	The applicant will be billed for all direct costs relating to the platting process.
Alternative/ Variations:	Any additional requirements recommended by the Planning Commission.
Recommendations:	that the Planning Commission recommend approval of the preliminary plat of Kwik Trip 1255 to the City Council, subject to utility companies review and recommendations.

**ENGINEER'S REPORT
PRELIMINARY PLAT REVIEW**

Subdivision Name: Kwik Trip 1255

Quarter NE $\frac{1}{4}$ Section 4 Township 111N Range 41W

Owner's Name: Kwik Trip, Inc.

Surveyor: Janele Fowlds Reg. No. 26748

Sec. 66-54. Information required. (1) Preliminary subdivision plat.		Yes	No	N/A	Comments
a.	Scale 1" = 100' or larger	X			
b.	Subdivision and owner names	X			
c.	Legal description and location sketch	X			
d.	Date, scale and north arrow	X			
e.	Acreage		X		Add land acreage
f.	Zoning classification	X			
g.	Contours	X			
h.	Boundary line bearings and distances	X			
i.	Easement	X			
j.	Street names, elevations and grades	X			

PRELIMINARY PLAT REVIEW

SUBDIVISION NAME: KWIK TRIP 1255

PAGE 2 of 3

Sec. 66-54. Information required. (1) Preliminary subdivision plat.		Yes	No	N/A	Comments
k.	Utilities	X			
l.	Lot lines, numbers and dimensions	X			
m.	Park land			X	
n.	Setbacks	X			
o.	Natural drainageways			X	
p.	Other related information	X			
q.	Covenants and restrictions			X	
r.	Improvement plans and financing			X	
s.	Future platting			X	
t.	Variance request			X	
u.	Floodway and flood zone designations			X	
v.	Certificates of approval		X		To be included in Final Plat.

PRELIMINARY PLAT REVIEW

SUBDIVISION NAME: KWIK TRIP 1255

PAGE 3 of 3

Sec. 66-54. Information required. (2) Other preliminary plans.		Yes	No	N/A	Comments
a.	Drainage and grading plans 1. Existing and proposed drainage.			X	Submitted with final building plans through building permit process
	2. Drainage flow facility.			X	
b.	Utility plans			X	

CITY ENGINEER'S RECOMMENDATIONS:

Approval

DATE RECEIVED: December 14, 2022DATE REVIEWED: January 4, 2023PLANNING COMMISSION REVIEW DATE: January 11, 2023

Jason R. Anderson, P.E.

Director of Public Works/Planning & Zoning Administrator

Copies to: City Administrator
Building Official
Senior Engineering Specialist



PRELIMINARY PLAT
KWIK TRIP 1255



Vertical Datum: NAVD 1988 In Feet

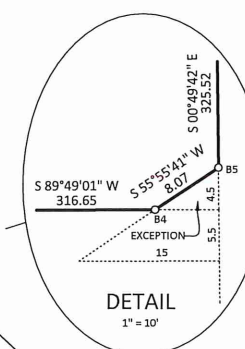
LEGAL DESCRIPTION

Line 1. Beginning at a point on the East line of Tract A hereinbefore described distant 4.5 feet Northerly of the Southeast corner thereof; thence run Southwesterly to a point on a line run parallel with and distance 5.5 feet Southerly of the South line of said Tract A, distance 15 feet Westerly of its intersection with the Southerly extension of the East line of said Tract A

All that part of the Northeast quarter (NE1/4) of Section Four (4), in Township One Hundred Eleven (111) north, of Range Forty-one (41) west of the Fifth Principal Meridian, described as follows, To-wit:

Commencing at a point one hundred seventy-three and four tenths (173.4) feet west of a point two (2) rods west and two (2) rods north of the Southeast corner of said Northeast quarter (NE1/4) of Section Four (4), Township One Hundred Eleven (111) north, Range Forty-one (41) west; thence West a distance of one hundred-fifty (150) feet; thence North and at right angles to last line, a distance of two hundred twenty (220) feet; thence East and at right angles to last line, a distance of one hundred fifty (150) feet; and thence South and at right angles to last line, a distance of two hundred twenty (220) feet to the point of beginning, Lyon County, Minnesota.

- | | |
|-----------|---------------------------|
| | IRON PIPE MONUMENT SET |
| | MONUMENT FOUND |
| | CONTROL POINT |
| | BENCH MARK |
| | AIR CONDITIONER |
| | AUTO SPRINKLER CONNECTION |
| | BOLLARD |
| | BUSH |
| | CATCH BASIN |
| | CATCH BASIN |
| | CURB STOP |
| | DOWN SPOUT |
| | FILL PIPE |
| | FUEL PUMP |
| | HANDHOLE |
| | HANDICAP PARKING |
| | LIGHT POLE |
| | MANHOLE-COMMUNICATION |
| | MANHOLE-ELECTRIC |
| | MANHOLE-SANITARY SEWER |
| | MANHOLE-STORM SEWER |
| | METER |
| | PEDESTAL-COMMUNICATION |
| | PEDESTAL-ELECTRIC |
| | PEDESTRIAN PUSH BUTTON |
| | POST |
| | SIGN NON TRAFFIC |
| | SIGN TRAFFIC |
| | TRANSFORMER-ELECTRIC |
| | TREE-DECIDUOUS |
| | TREE STUMP |
| | TRAFFIC SIGNAL |
| | VALVE |
| | VENT |
| — C — C — | COMMUNICATION UNDERGROUND |
| — E — E — | ELECTRIC UNDERGROUND |
| — F — F — | FIBER UNDERGROUND |
| — G — G — | GAS UNDERGROUND |
| — > — > — | SANITARY SEWER |
| — >> — | STORM SEWER |
| — — — | WATER SYSTEM |
| ----- | INTERMEDIATE CONTOUR |
| ----- | INDEX CONTOUR |
| | EDGE OF BUSHES |
| | EDGE OF TREES |



ZONING

ZONING: Subject Property - B-3, General Business District

SETBACKS:

Front	35 feet from East College Drive and 25 feet from North Bruce Street
Side	10 feet (20 feet if adjacent to residential district)
Rear	25 feet

Maximum Building Height: 45 feet
Maximum Floor-to-Area Ratio: 0.50

SURVEYOR'S CERTIFICATION
I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Janele Fowlds
Janele Fowlds
License Number 26748


**BOLTON
& MENK**

1960 PREMIER DRIVE
MANKATO, MINNESOTA 56001
(507) 625-4171

PART OF THE NE1/4 OF SECTION 4,
TOWNSHIP 111 NORTH, RANGE 41 WEST
LYON COUNTY, MINNESOTA

FOR: KWIK TRIP, INC.
STORE 1255

24.0 S4-T111N-R41W NE1/4