

**AGENDA**  
**MEETING OF THE MARSHALL PLANNING COMMISSION**  
**WEDNESDAY – MAY 10, 2023**  
**COUNCIL CHAMBERS – CITY HALL**  
**5:30 P.M.**

- 1) *Call to Order*
- 2) *Consider the approval of the minutes of the April 12, 2023, regular meeting of the Marshall Planning Commission.*
- 3) *Conduct Public Hearing on the request of First Premier Bank, of Sioux Falls, SD for a map amendment (rezone) at 1420 East College Drive, from a B-4 Shopping Center Business District to a B-3 General Business District.*
- 4) *Conduct Public Hearing on the request of MN State Armory Building, of St. Paul, MN for a map amendment (rezone) at 1103 Michigan Road, from a A-Agricultural District to I-2 General Business District.*
- 5) *Ordinance amending Section 86-104 B-3 General Business District.*
- 6) *Election of Officers*
- 7) *Other Business*
- 8) *Adjourn*

Topic: Planning Commission

Time: May 10, 2023 05:30 PM Central Time (US and Canada)

Every month on the Second Wed, until Dec 10, 2025, 33 occurrence(s)

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**MINUTES OF THE  
MARSHALL PLANNING COMMISSION MEETING  
APRIL 12, 2023**

**MEMBERS PRESENT:** Deutz, Doom, Stoneberg, Lee and Muchlinski

**MEMBERS ABSENT:** Pieper

**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 March 8, 2023, 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 explained this area has been recently annexed into the city and is currently zoned A – Agricultural District. Solar panels are a Conditional Use Permit in an A – Agricultural District. Staff believe all standards for hearing are met. Staff recommends approval to the City Council of the request by the Western MN Municipal Power Agency for a Conditional Use Permit to have solar panels in an A – Agricultural District at 1200 North 7<sup>th</sup> Street with the following standard conditions. 1. That the regulations, standards, and requirements as set forth in the City Code and as pertain 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 Conditional Use Permit if 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 the property is maintained to conform to the Zoning Code and not cause or create negative impacts to adjacent existing or future properties. Luke Gildemeister, from US Solar Corporation, of 100 N 6<sup>th</sup> St Suite 410 B Minneapolis, MN explained the project to construct a solar system on 51.5 acres. He went over the location of the project and the neighbors in the area. There will be approximately 21,222 panels on the site. The highest the panels will ever get is 10 ft. The proposed fence is similar to a farm fence and will be 8 ft tall without any barbed wire. There will be a new access road. Once the project is completed and operational, there will be no noise or odor. He explained in detail the location, neighborhood, the panels, all site equipment, and safety items. Muchlinski asked what the lifespan is of the panels. Gildemeister advised it is a 30-year period with the ability to last longer. Tony Mead, with MMU, added that he is here to advise they are in support of this project. Muchlinski MADE A MOTION, SECOND BY Stoneberg to close the public hearing. ALL VOTED IN FAVOR OF THE MOTION. Doom added that we have gone over all the ordinance requirements, and everything has been addressed and it meets all the requirements. Doom MADE A MOTION, SECOND BY Deutz to recommend to City Council as recommended by staff.
3. Gutman advised this section was amended several years ago to allow a single shipping container in a general business district as an interim use permit. This change was a result of a specific request since prior to that shipping containers were not permitted in business districts. However, after some conversations – internal and external – staff concluded that a limitation of just one shipping container may be relaxed because the ordinance requires a fencing around to mask them from public right of way anyway, and, on the other hand, also allows open storage behind fences. The proposed change will limit the total area of containers rather than the number of them, with suggested number being an equivalent of three 40' x 8' containers; a limitation of the area as a percentage of the building area on site will allow avoiding multiple containers placed next to smaller buildings, which would look disproportionate. This will also encourage owners to build an

**--UNAPPROVED --**

addition if a larger storage area is desired. Additionally, the change will allow storage units other than standard shipping containers, again, due to the reason they will be fenced off anyway and will not be visible. These changes have been presented at the Legislative & Ordinance Committee April 4, 2023, and recommended for approval. Muchlinski questioned the setbacks. Gutman clarified storage units will not be placed in front yards and that there would be fence coverage. Muchlinski MADE A MOTION, SECOND BY Deutz to recommend to City Council as recommended by staff.

4. A MOTION WAS MADE BY Deutz, SECOND BY Stoneberg to adjourn the meeting. ALL VOTED IN FAVOR. Chairperson Lee declared the meeting adjourned.

Respectfully submitted,  
Chris DeVos, Recording Secretary





MARSHALL  
CULTIVATING THE BEST IN US

MEMORANDUM

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

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

**DATE:** May 3, 2023

**SUBJECT:** REQUEST FOR MAP AMENDMENT (REZONE)  
First Premier Bank  
1420 East College Drive

**Action Recommendation**

Motion to close public hearing.

Recommend approval to the City Council of the request to rezone properties at 1420 and 1424 East College Drive and 1001 Highway 23 N from B-4 Shopping Center Business District to B-3 General Business District.

**Background**

This is a request by First Premier Bank, of Sioux Falls, SD to rezone property at 1420 East College Drive from B-4 Shopping Center Business District to B-3 General Business District for future development that includes a use permitted in B-3 district but not in B-4 district. Since the mall is not functioning as a mall anymore, staff believe that B-4 zoning district has become obsolete and suggest rezoning the other properties around the mall to B-3 as well at this time. All properties around the mall are currently zoned B-3 general business. This area was granted a PUD in 2015, but it was never acted upon, so this rezoning nullifies the existing PUD. The new Comprehensive Plan shows this entire area as Neighborhood Mix use with intent to allow for both commercial and residential uses and B-3 General business allows both.

Rezoning procedures are described in Section 86-30 Amendments. Rezoning map is attached.

**Fiscal Impact**

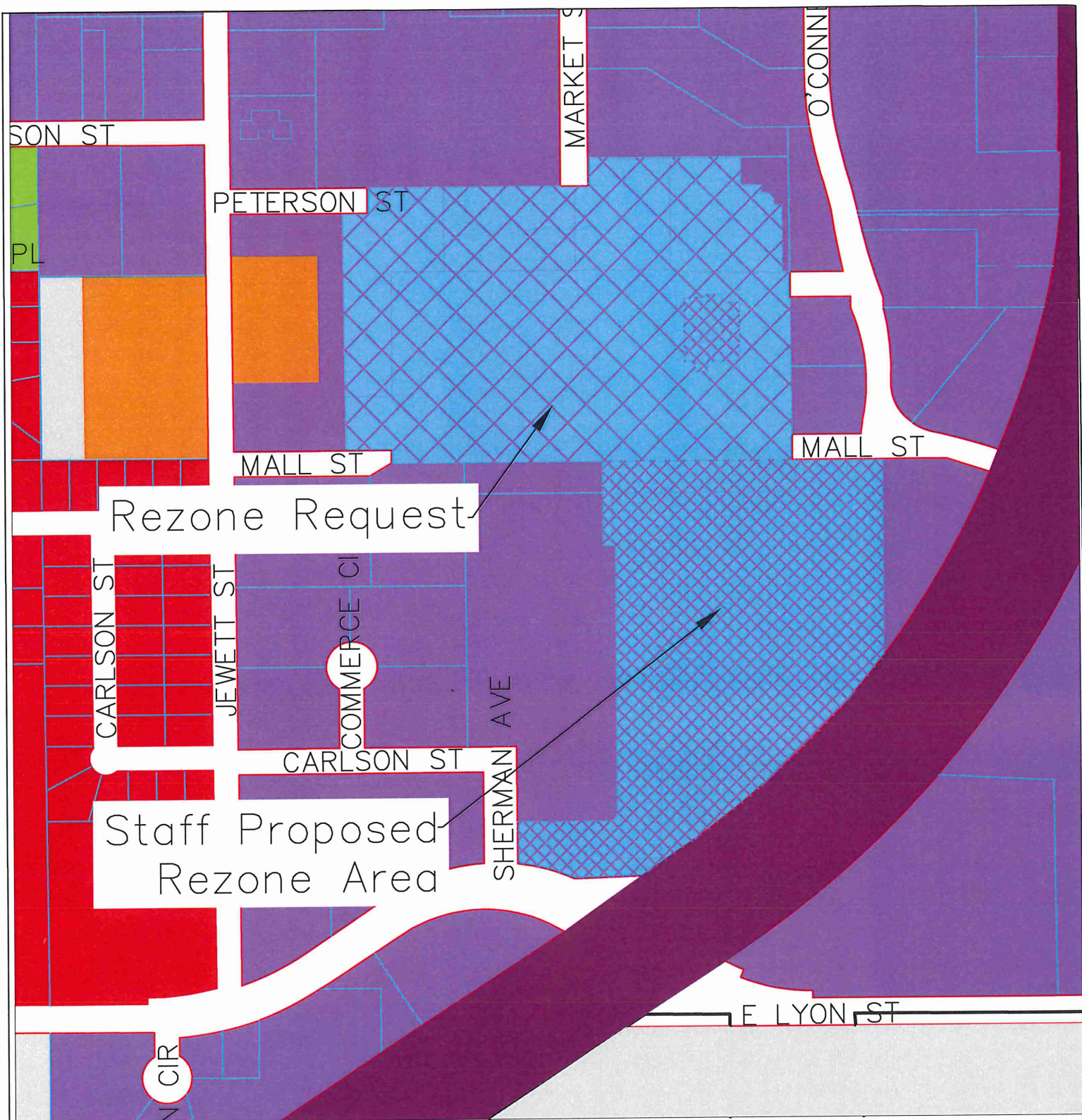
Costs are to be billed to applicant.

**Alternatives / Variations**

None recommended.

IG: cld





A	AGRICULTURAL	R-4	HIGHER DENSITY - MULTIPLE FAMILY RESIDENCE	B-3	GENERAL BUSINESS
R-1	ONE FAMILY RESIDENCE	R-5	MANUFACTURED HOME PARK	B-4	SHOPPING CENTER BUSINESS
R-2	ONE TO FOUR FAMILY RESIDENCE	B-1	LIMITED BUSINESS	I-1	LIMITED INDUSTRIAL
R-3	LOW TO MEDIUM DENSITY - MULTIPLE FAMILY RESIDENCE	B-2	CENTRAL BUSINESS	I-2	GENERAL INDUSTRIAL



COMMUNITY PLANNING DEPT.  
344 WEST MAIN STREET  
MARSHALL, MINNESOTA  
56258

MALL REZONE

MAY 10, 2023

EXISTING ZONING MAP W/ PROPOSED  
REZONE AREA FROM B-4 TO B-3

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION RECOMMENDING APPROVAL OF A  
REZONING REQUEST  
WITHIN THE CITY OF MARSHALL, MINNESOTA**

**WHEREAS**, an application has been submitted by First Premier Bank (“Applicant”) to the City Council requesting approval of a rezoning under the Zoning Code, Article 86-IV, Section 86-30, in the City of Marshall for the following location:

**LOCATION:** 1420 East College Drive

**LEGAL DESCRIPTION:** Marshall Square Addition, Block 1, Lots 1,2,3,4, and 5.

**WHEREAS, THE APPLICANT SEEKS THE FOLLOWING:** A Rezoning from a B-4 shopping center business zoning district to a B-3 general business district of the property located at 1420 East College Drive and legally described above, and

**WHEREAS**, staff presented the Planning Commission with information that shopping centers, or malls, are mostly an outdated concept and no longer are being built, making the shopping center district obsolete, and

**WHEREAS**, staff recommended that adjacent properties located at 1424 East College Drive and 1001 Highway 23 N also be rezoned from a B-4 shopping center business zoning district to a B-3 general business district, and

**WHEREAS**, staff presented the Planning Commission with information that the surrounding areas are all currently zoned B-3 general business district, and

**WHEREAS**, staff presented the Planning Commission with information that the proposed rezoning meets the City’s current Comprehensive Plan, and

**WHEREAS**, the Planning Commission has held a public hearing as required by the city Zoning Code on May 10, 2023, and

**NOW THEREFORE, BE IT RESOLVED**, by the Planning Commission of the City of Marshall that the City Council rezone the property requested by Applicant, in addition to the adjacent properties recommended by staff based on the following findings:

1. The proposed rezoning is consistent with the current Comprehensive Plan.
2. The proposed rezoning will further the City development.
3. The proposed rezoning is consistent with the surrounding area.

**BE IT FURTHER RESOLVED** that this resolution be communicated to the Marshall City Council.

The foregoing resolution, arising out of the motion offered by \_\_\_\_\_ and seconded by \_\_\_\_\_, was declared carried on the following vote:

Ayes:

Nays:

Passed:

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Chairperson, Planning Commission

Approval is contingent upon execution and return of this document to the City Planning Office.  
I have read and agree to the conditions of this resolution as outlined above.


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Property Owner / Applicant

Date





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

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

**DATE:** May 3, 2023

**SUBJECT:** REQUEST FOR MAP AMENDMENT (REZONE)  
MN State Amory Building Commission  
1103 Michigan Road

**Action Recommendation**

Motion to close public hearing.

Recommend approval to the City Council of the request to rezone properties at 1015, 1101, and 1103 Michigan Road from A Agricultural District to I-2 General Business District.

**Background**

This is a request by MN State Armory Building Commission to rezone their property 1103 Michigan Road from A Agricultural District to I-2 General Business District for potential development. City staff suggest that all adjacent lots located south of Michigan Road be also similarly rezoned for future development. The new Comprehensive Plan shows this entire area as industrial land use. The adjacent lots south of proposed rezoning are all zoned I-2 general industrial.

Rezoning procedures are described in Section 86-30 Amendments. Rezoning map is attached.

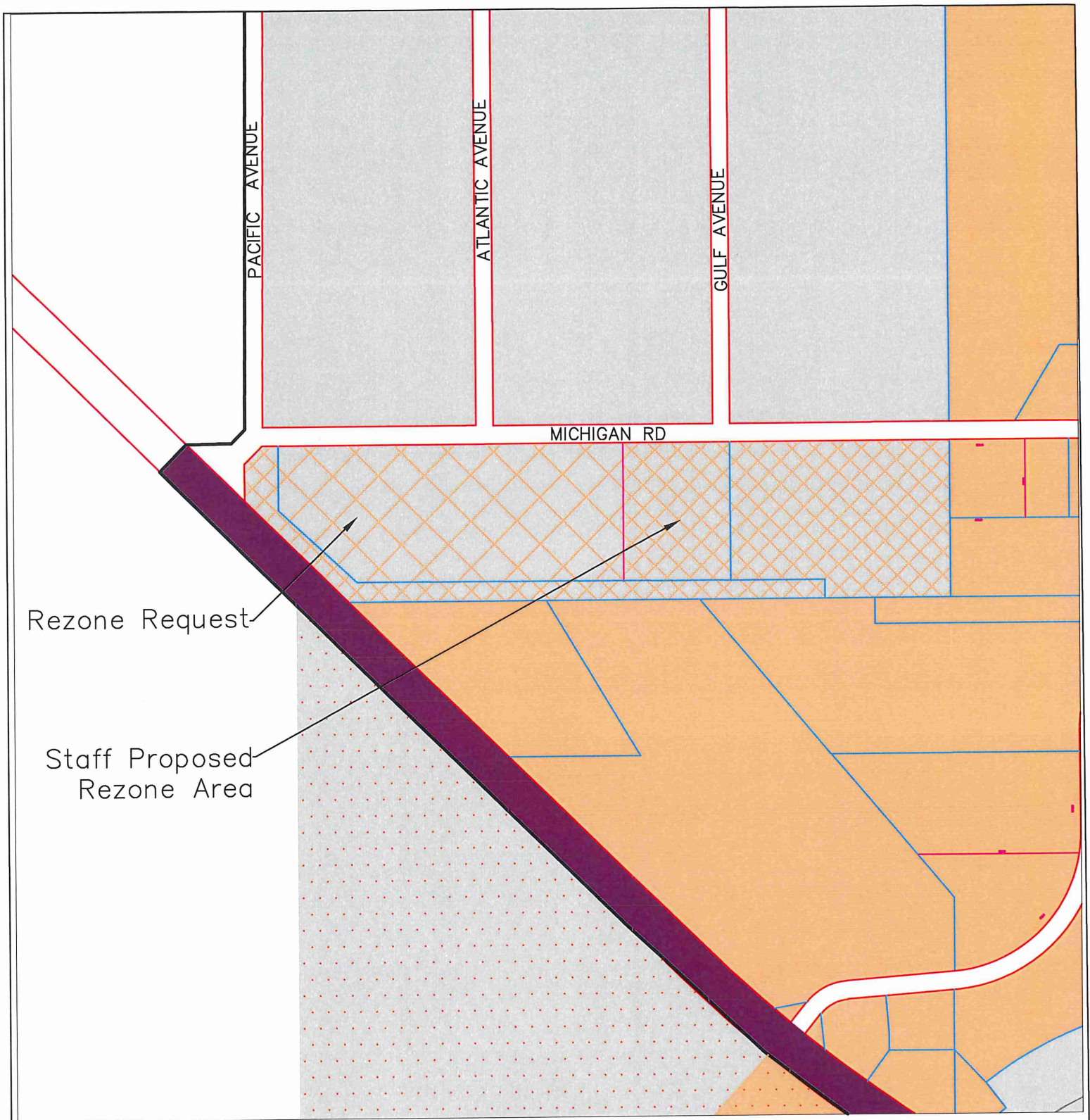
**Fiscal Impact**

Costs are to be billed to applicant.

**Alternatives / Variations**

None recommended.

IG: cld



A		AGRICULTURAL	R-4		HIGHER DENSITY - MULTIPLE FAMILY RESIDENCE	B-3		GENERAL BUSINESS
R-1		ONE FAMILY RESIDENCE	R-5		MANUFACTURED HOME PARK	B-4		SHOPPING CENTER BUSINESS
R-2		ONE TO FOUR FAMILY RESIDENCE	B-1		LIMITED BUSINESS	I-1		LIMITED INDUSTRIAL
R-3		LOW TO MEDIUM DENSITY - MULTIPLE FAMILY RESIDENCE	B-2		CENTRAL BUSINESS	I-2		GENERAL INDUSTRIAL



COMMUNITY PLANNING DEPT.  
344 WEST MAIN STREET  
MARSHALL, MINNESOTA  
56258

ARMORY REZONE

MAY 10, 2023

EXISTING ZONING MAP W/ PROPOSED  
REZONE AREA FROM A TO I-2

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION RECOMMENDING APPROVAL OF A  
REZONING REQUEST  
WITHIN THE CITY OF MARSHALL, MINNESOTA**

**WHEREAS**, an application has been submitted by MN State Armory Building Commission, (“Applicant”) to the City Council requesting approval of a rezoning under the Zoning Code, Article 86-IV, Section 86-30, in the City of Marshall for the following location:

**LOCATION:** 1103 Michigan Road

**LEGAL DESCRIPTION:** Westerly 1,326 feet of Lot One (1), of Block Seven (7) in Commerce Industrial Park Second Addition to the City of Marshall, Lyon County, Minnesota.

**WHEREAS, THE APPLICANT SEEKS THE FOLLOWING:** A Rezoning from an A agricultural zoning district to an I-2 general industrial district of the property located at 1103 Michigan Road and legally described above, and

**WHEREAS**, staff presented the Planning Commission with information that the adjacent areas to the south are currently zoned I-2 general industrial district, and

**WHEREAS**, staff recommended that adjacent properties located at 1015 Michigan Road and 1101 Michigan Road be also rezoned from an A agricultural zoning district to an I-2 general industrial district, and

**WHEREAS**, staff presented the Planning Commission with information that the proposed rezoning meets the City’s current Comprehensive Plan, and

**WHEREAS**, the Planning Commission has held a public hearing as required by the city Zoning Code on May 10, 2023, and

**NOW THEREFORE, BE IT RESOLVED**, by the Planning Commission of the City of Marshall that the City Council rezone the property requested by Applicant, in addition to the adjacent properties recommended by staff based on the following findings:

1. The proposed rezoning is consistent with the current Comprehensive Plan.
2. The proposed rezoning will further the City development.
3. The proposed rezoning is consistent with the surrounding area.



**BE IT FURTHER RESOLVED** that this resolution be communicated to the Marshall City Council.

The foregoing resolution, arising out of the motion offered by \_\_\_\_\_ and seconded by \_\_\_\_\_, was declared carried on the following vote:

Ayes:  
Nays:  
Passed:

\_\_\_\_\_  
Chairperson, Planning Commission

Approval is contingent upon execution and return of this document to the City Planning Office.  
I have read and agree to the conditions of this resolution as outlined above.

\_\_\_\_\_  
Property Owner / Applicant

\_\_\_\_\_  
Date



**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:** May 3, 2023

**SUBJECT:** 86-104 B-3 General Business District

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**Action Recommendation**

Staff recommends the recommendation to the City Council approving the revisions amending Section 86-104 B-3 General Business District.

**Background**

The proposed revision is minor and is related to self-storage warehouses or mini-storages, defined as units or compartments under 500 SF rented to individuals for storage of personal property on a monthly basis. This use is conditional in a B-3 General Business District. This is an old provision and assumed buildings with rows of individual garage-like units with outside access and drives between buildings. However, the new type of such units was introduced relatively recently – conditioned indoor units with access from the inside of a building, which means a totally different appearance: instead of a row of connected garages it looks like a regular building with main entrance and typical parking area. To reflect this new reality, and facilitate future city development, staff suggest making buildings with indoor units a permitted use, while leaving mini storages with outside access a conditional use.

**Fiscal Impact**

None.

**Alternatives/Variations**

None recommended.

IG/cld / Attachments

## **Section 86-104 B-3 General Business District**

(a) *Intent; scope.* This section applies to the B-3 general business district. This B-3 district provides a location for uses that are appropriate to thoroughfare locations, are largely dependent upon thoroughfare traffic, and are not suitable within other business districts.

(b) *Permitted uses.* The following uses shall be permitted in the B-3 business district:

Ambulance, taxi, bus, and rail stations or terminals.

Antique, gift or florist shop.

Apparel shops.

Appliance sales and service stores.

Art, office, school, camera and photography supply stores.

Audio recording sales or rental.

Auto parts and accessories.

Automobile and truck sales or used car lots.

Automobile garages and repair shops, with no outside storage of vehicles or equipment.

Automobile laundries and car washes.

Automobile parking lots and garages.

Automobile service stations, for sale of gasoline, oil and accessories.

Banks and savings institutions.

Barbershops or beauty shops.

Bars, taverns, cocktail lounges, nightclubs, dancehalls and theatres.

Bicycle or motorcycle sales or repair shops.

Billiard or pool halls.

Book or stationery stores.

Bowling alleys.

Business, commercial or dance schools.

Business or professional offices.

Cabinet stores.



Candy, ice cream, soft drinks, or confectionery stores.

Carpenter, plumbing and heating, paint and wallpaper, and janitorial service shops.

Carpet and flooring stores.

Churches.

Day care facility serving any number of individuals.

Department stores.

Drive-in restaurants and other establishments that provide goods and services to patrons in automobiles.

Drive-in retail or service stores.

Drive-in theatres.

Drive-up bank and other offices.

Electric motors service shops.

Fallout shelter.

Furniture stores.

Garden and lawn supply stores.

Gas stations.

Glass sales and service stores.

Grocery stores or supermarkets.

Hardware, hobby, sporting goods or toy stores.

Health clubs.

Ice sales.

Jewelry stores and leather goods or luggage.

Laundromats and dry cleaning or laundry pickup stores.

Leather goods stores.

Liquor stores.

Loan and finance company offices.

Lodge rooms or clubhouses for fraternal organizations.

Marine or boat sales and repair shops.

Meat shops and cold storage lockers, excluding slaughtering.

Medical clinics.

Medical, dental and optical laboratories.

Miniature golf courses, archery and golf driving ranges; swimming pools serving more than one-family, skating rinks, tennis clubs, but excluding auto, motorcycle or go-cart race tracks.

Monument sales centers.

Mortuaries or funeral homes.

Motels or hotels.

Motion picture theatre.

Municipal or other government administration buildings, police or fire stations, community center buildings, museums or art galleries, and post office stations.

Music studios or musical instrument stores.

Newspaper printing.

Outdoor nurseries and greenhouses.

Paint or wallpaper stores.

Pet shops.

Pet supply store.

Pharmacies or drugstores.

Photography studios.

Pipe or tobacco shops.

Post office stations.

Printing.

Public libraries.

Radio or television broadcasting stations.

Repair and rental of domestic type equipment and items.

Restaurants, cafes, delicatessens or tea rooms.

Retail bakeries or pastry shops.

Retail ice delivery stations.

Retail medical supply stores.

Sales and service centers for farm implements.

Sales and service centers of travel and camping trailers, and motor homes which do not require a special permit to be transported on a public highway.

Self-storage warehouse with inside access to individual units.

Sewing machine sales and service.

Shoe stores and repair.

Tailor shops.

Television or radio repair shops.

Tire, battery and automobile accessories shops.

Upholstery and furniture repair shops.

Veterinary clinic and hospital for small animals with associated indoor kennels where there are no animals allowed outside of a building at any time, where the entire business is conducted wholly within an enclosed sound proofed, heated and air conditioned building such that no noise or odors are perceptible beyond the property line.

Video sales or rental.

Water conditioning sales and service.

Water supply buildings, reservoirs, wells, elevated tanks and similar essential public utility structures.

Wholesale business and office with no outside storage.

- (c) *Permitted* accessory uses. The following uses shall be permitted accessory uses in the B-3 business district:

Accessory uses generally associated with the uses permitted in subsections (a) and (b) of this section.

Off-street parking and loading as regulated by article VI of this chapter.

Signs as regulated by article VI of this chapter.

Solar energy collectors and systems.

Storage garages where the lot is occupied by an institutional building.

- (d) *Conditional* uses. All conditional use permits for the B-3 district may only be issued if the proposed use meets the specific requirements of this section and also meets the general regulations as outlined in article VI and meets the eligibility for conditional use permits as specified in article II, division 2. The following use may be permitted in the B-3 business district by conditional use permit:



Amusement parks.

Armories, convention or exhibition halls.

Billboards.

Brewpubs.

College, university, post high school education or training institution, or seminary; public or private; with the nearest building line to property line distance of 150 feet to any single family dwelling property.

Convalescent, nursing and rest homes.

Farm feed and seed, or lawn and gardening supply store.

Golf courses, including clubhouses.

Heliport.

Hospitals and medical centers.

Kennels.

Lumberyards.

Meat and butcher shops and cold storage lockers, with limited slaughtering.

Multiple-family dwellings, apartment buildings or townhouses.

Municipal or other governmental service buildings.

Other business uses of the same general character as listed in subsection (b).

Parks and recreational areas owned or operated by governmental agencies.

Public, parochial or other private elementary, middle, junior high or senior high schools offering a curriculum equivalent to the public school system, and not operated for profit.

Residential facilities serving six or fewer individuals.

Self-storage warehouse with outside access to individual units.

Sports arenas or stadiums, indoor skating rinks and physical culture or health clubs and gymnasiums.

Trophy and award assembly.

Utility stations and structures.

(e) *Height and yard regulations.* Height and yard regulations for the B-3 district are as follows:

(1) *Height regulations.* No building shall hereafter be erected or structurally altered to exceed 45 feet in height.

(2) *Front yard regulations.*

- a. There shall be a front yard having a depth of not less than 25 feet on a lot or plot that abuts a minor street or a marginal access service street.
- b. There shall be a front yard having a depth of 35 feet on a thoroughfare as shown on the adopted city thoroughfares plan, except that an 80-foot setback shall be required when the council determines that a service road is necessary.
- c. There shall be a front yard on each street side of a corner lot. No accessory buildings shall project beyond the front yard line on either street.
- d. No front yard shall be required in the downtown district.

(3) *Side yard regulations.*

- a. There shall be a side yard on each side of a building, having a width of not less than ten feet.
- b. No building shall be located within 20 feet of any side lot line abutting a lot in any of the classes of residence districts.
- c. No side yard shall be required in the downtown district.

(4) *Rear yard regulations.*

- a. There shall be a rear yard having a depth of not less than 25 percent of the lot depth or a maximum required rear yard of 25 feet.
- b. No building shall be located within 20 feet of any rear lot line abutting a lot in any of the classes of residence districts.
- c. No rear yard shall be required in the downtown district.

(f) *Lot coverage regulations.* Not more than 50 percent of a lot shall be occupied by buildings in the B-3 district. No lot coverage restrictions apply in the downtown district.

(g) *General regulations.* Additional regulations in the B-3 general business district are set forth in article VI of this chapter.

(Code 1976, § 11.14; Ord. No. 410 2nd series, § 2, 2-16-1999; Ord. No. 443, § 3, 11-6-2000; Ord. No. 463, § 1, 7-2-2001; Ord. No. 590 2nd series, § 1, 2-19-2008; Ord. No. 613 2nd series, § 1, 8-25-2009; Ord. No. 655 2nd series, § 1, 5-22-2012; Ord. No. 719 2nd series, § 1, 5-9-2017; Ord. No. 753 2nd series, § 1, 7-28-2020)

**Cross reference(s)-Businesses, ch. 22.**