



CITY OF MARSHALL
Planning Commission
Agenda
Wednesday, November 08, 2023 at 5:30 PM
City Hall, Council Chambers

APPROVAL OF AGENDA

APPROVAL OF MINUTES

- [1.](#) Approval of the minutes

NEW BUSINESS

- [2.](#) Conduct a Public Hearing for a variance adjustment permit for a reduced side yard setback for an accessory building at 304 East Marshall Street
- [3.](#) Conduct a Public Hearing on the request to rezone property at 100 through 120 London Road from R-1 One Family Residence District to I-1 Limited Industrial District.
- [4.](#) Consider Ordinance amending Section 86-106 I-1 Limited Industrial District.

ADJOURN

Disclaimer: These agendas have been prepared to provide information regarding an upcoming meeting of the Common Council of the City of Marshall. This document does not claim to be complete and is subject to change.

**MINUTES OF THE
MARSHALL PLANNING COMMISSION MEETING
October 11, 2023**

MEMBERS PRESENT: Lee, Pieper, Deutz, Doom

MEMBERS ABSENT: Stoneberg, Muchlinski, Agboola

OTHERS PRESENT: Jason Anderson, Amanda Schroeder, Ilya Gutman

1. Call to Order.

The meeting was called to order by Chairperson Lee.

2. Approval of the Minutes.

Lee asked for the approval of the minutes of the September 13, 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.

3. Ordinance amending Section 86-30 Amendments.

Gutman presented changes that will make more uniform the most common procedures that involve the Planning Commission and require public hearings. Currently, rezoning, variances, and conditional use permits go to the Planning Commission meeting for public hearings; however, plats and changes to zoning ordinance text have public hearings at the Council meetings. This inconsistency sometimes causes confusion. The proposed changes will move public hearings for platting and zoning ordinance amendments to the Planning Commission meetings making everything more consistent. Procedures requiring two council meetings will still have them, except the second one will not be a public hearing. Pieper questioned if it was possible to record meetings. Historical process was discussed indicating recordings have been conducted only a couple of times for controversial items. It was noted that Schroeder is the Council liaison. DEUTZ MADE A MOTION, SECOND BY PIEPER, to make the recommendation to the City Council approving the revisions amending Section 86-30 Amendments. ALL VOTED IN FAVOR.

4. Ordinance amending Section 86-247 Landscaping and relevant definitions in Section 86-1 Definitions.

Gutman informed this section adds a concept of pollinator gardens that has been recently approved by the Council. To be consistent with general structure of the Zoning Ordinance, the pollinator garden definition is added to Section 86-1 Definitions of the Zoning Ordinance (this definition was created in cooperation with Amanda Beckler from the Community Services department). The Ordinance treats vegetable, flower, and pollinator gardens in a similar manner, removing practically all limitations on their placements, including allowing them in front yards with no limitation on their sizes. To help alleviate neighbors' concerns, a minimal setback from property lines is required for all gardens. Planning Commission members had some concerns about the upkeep of the gardens, the type of flowers and vegetables that would be planted, and gardens invading additional areas. Lee suggested that there should not be vegetable gardens in the front yard, and that we should require an interim use permit for the flower gardens in the front yard. DOOM MADE A MOTION, SECOND BY DEUTZ, to approve as suggested but allow no more than 25% of the front yard to be used for gardens. PIEPER, DEUTZ, AND DOOM VOTED IN FAVOR. LEE VOTED AGAINST. MOTION PASSED 3:1.

5. Ordinance amending Section 86-248 Outside Storage.

Gutman updated that this section had been amended multiple times in the past, first to allow a single shipping container in a general business district with an interim use permit, and then several times more to make it less and less restrictive. At the Council meeting in August, City staff asked for confirmation of City Council support for the City Ordinance as it was written and confirmation of City Council support for City staff's function regarding Code enforcement. At that meeting, the Council directed staff to review this section again. The proposed change will now allow a single storage unit – still with an interim use permit – without a fence around, provided it is painted to match the building. PIEPER MADE A MOTION, SECOND BY DOOM for the recommendation to City Council approving the revision to amending Section 86-248 outside storage as proposed. ALL VOTED IN FAVOR, MOTION PASSES.

6. Other Business.

Gutman asked the members if they would want packets emailed out as attachments or if sending out a link to a city website where the packet is located would be OK. Anderson directed Commission to a link on City website. Everyone agreed that emailing packets is not necessary. Deutz also asked for a reminder to be sent the week of the meeting.

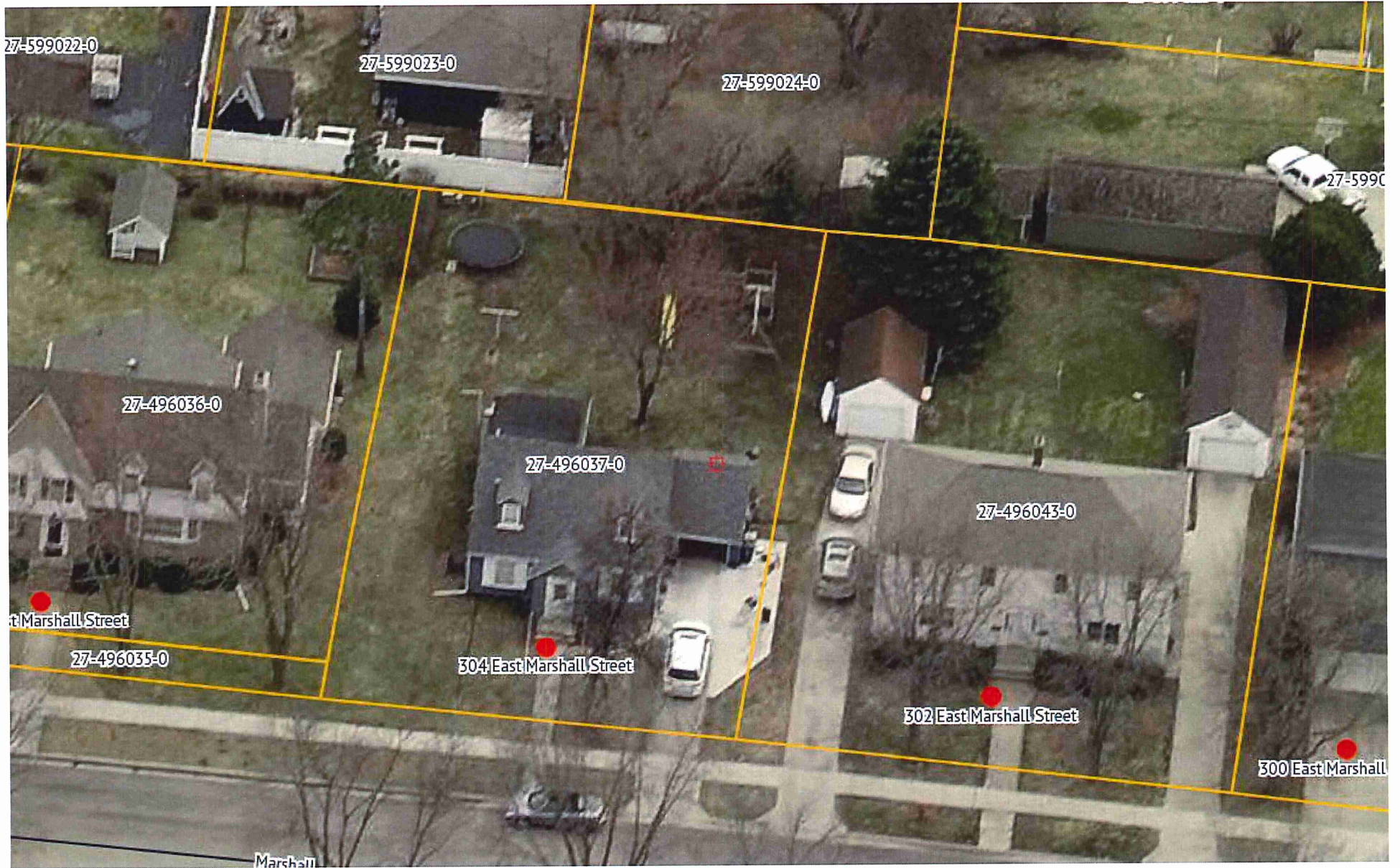
7. A MOTION WAS MADE BY DOOM, SECOND BY DEUTZ to adjourn the meeting. ALL VOTED IN FAVOR.
Chairman Lee declared the meeting adjourned.

Respectfully submitted,
Ellis, Recording Secretary

Item 1.

**CITY OF MARSHALL
AGENDA ITEM REPORT
PC 11/08/23**

Presenter:	Ilya Gutman
Meeting Date:	Wednesday, November 8, 2023
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Conduct a Public Hearing for a variance adjustment permit for a reduced side yard setback for an accessory building at 304 East Marshall Street
Background Information:	<p>This is a request from the property owner to construct a new addition that would include a garage located three feet from the side property line instead of the required five feet.</p> <p>Granting of a variance may be permitted only if the request meets the “practical difficulties” test, which requires that proposed use be reasonable, that the problem be caused by conditions that are unique to this property, and that granting the variance will not change the character of the area.</p> <p>Upon review, city staff believes that the argument could be made that this proposal generally meets first and third parts of the test: There are numerous structures in this block that do not meet minimum setbacks, which makes the request both reasonable and not changing the character of the area; however, there seems to be nothing unique in this property.</p> <p>The variance regulations and procedures are found in Section 86-29. A property aerial photo is attached for reference.</p>
Fiscal Impact:	None known.
Alternative/ Variations:	<p>Recommend approval to the City Council of the request by Denise Strosahl for a Variance Adjustment Permit for a reduced side yard setback to three feet with the following conditions:</p> <ol style="list-style-type: none"> 1. The wall located three feet away from the property line is 1-hr fire rated and does not have windows. 2. There is no roof overhang at the wall located three feet away from the property line.
Recommendations:	<p>Close public hearing.</p> <p>Recommend denial to the City Council of the request by Denise Strosahl for a Variance Adjustment Permit for a reduced side yard setback.</p>

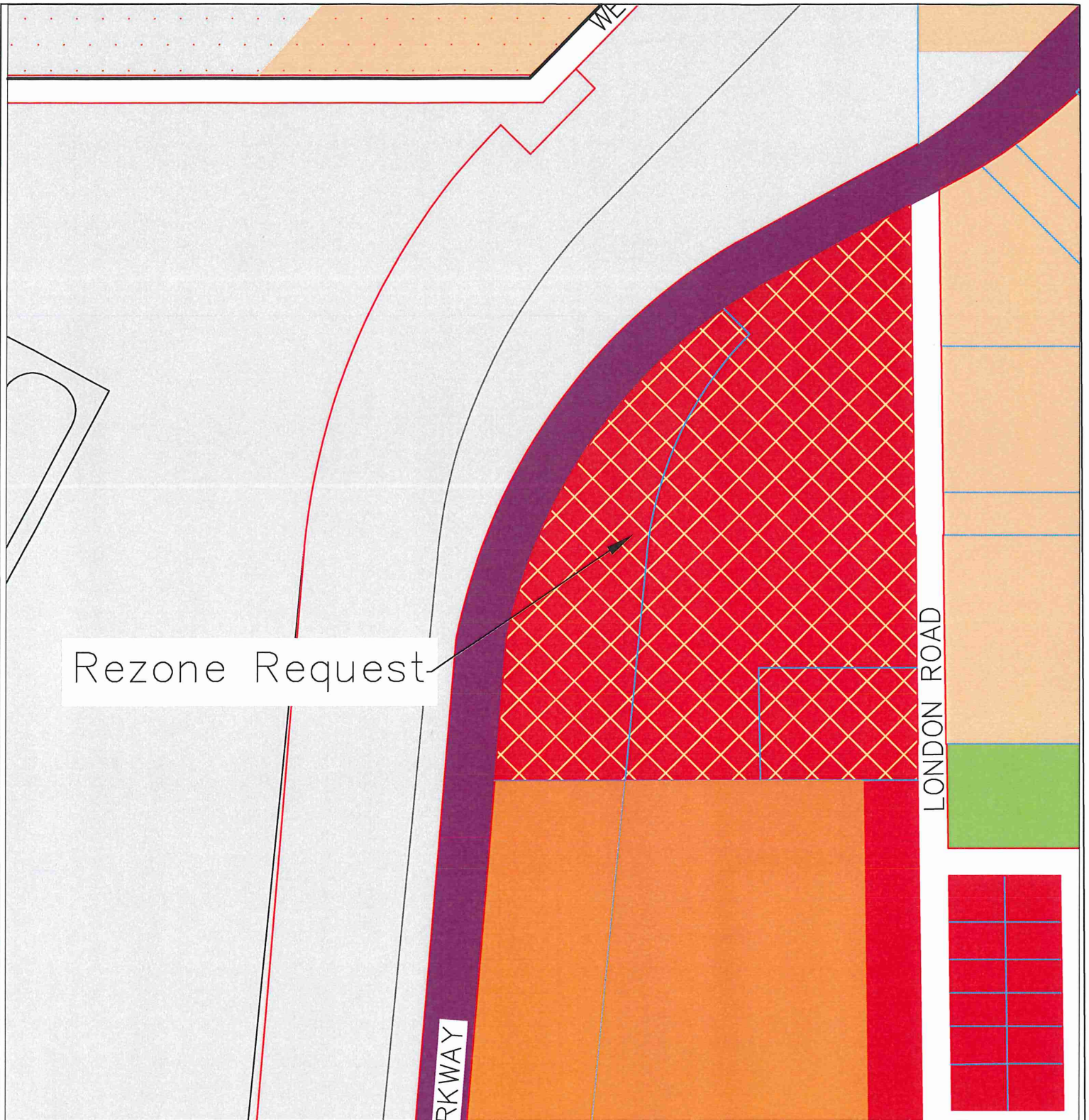












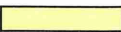





CITY OF MARSHALL AGENDA ITEM REPORT PC 11/08/23

Presenter:	Ilya Gutman
Meeting Date:	Wednesday, November 8, 2023
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Conduct a Public Hearing on the request to rezone property at 100 through 120 London Road from R-1 One Family Residence District to I-1 Limited Industrial District.
Background Information:	<p>This is a request by City of Marshall, Marshall, MN to rezone area at 100 through 120 London Road and as shown on attached map from R-1 One Family Residence District to I-1 Limited Industrial District for potential future development of a commercial building. The new Comprehensive Plan shows this entire area as a Commercial/Industrial Mix use with intent to allow for both commercial and light industrial uses. This mixed-use district ordinance with associated requirements has not been developed yet, but the current I-1 Limited industrial district will serve as the basis for the new district, making it an appropriate zoning district for this area.</p> <p>Rezoning procedures are described in Section 86-30 Amendments. A rezoning map is attached.</p>
Fiscal Impact:	N/A
Alternative/ Variations:	None recommended.
Recommendations:	<p>Motion to close public hearing.</p> <p>Recommend approval to the City Council of the request to rezone properties at 100 through 120 London Road from R-1 One Family Residence District to I-1 Limited Industrial District.</p>



Rezone Request

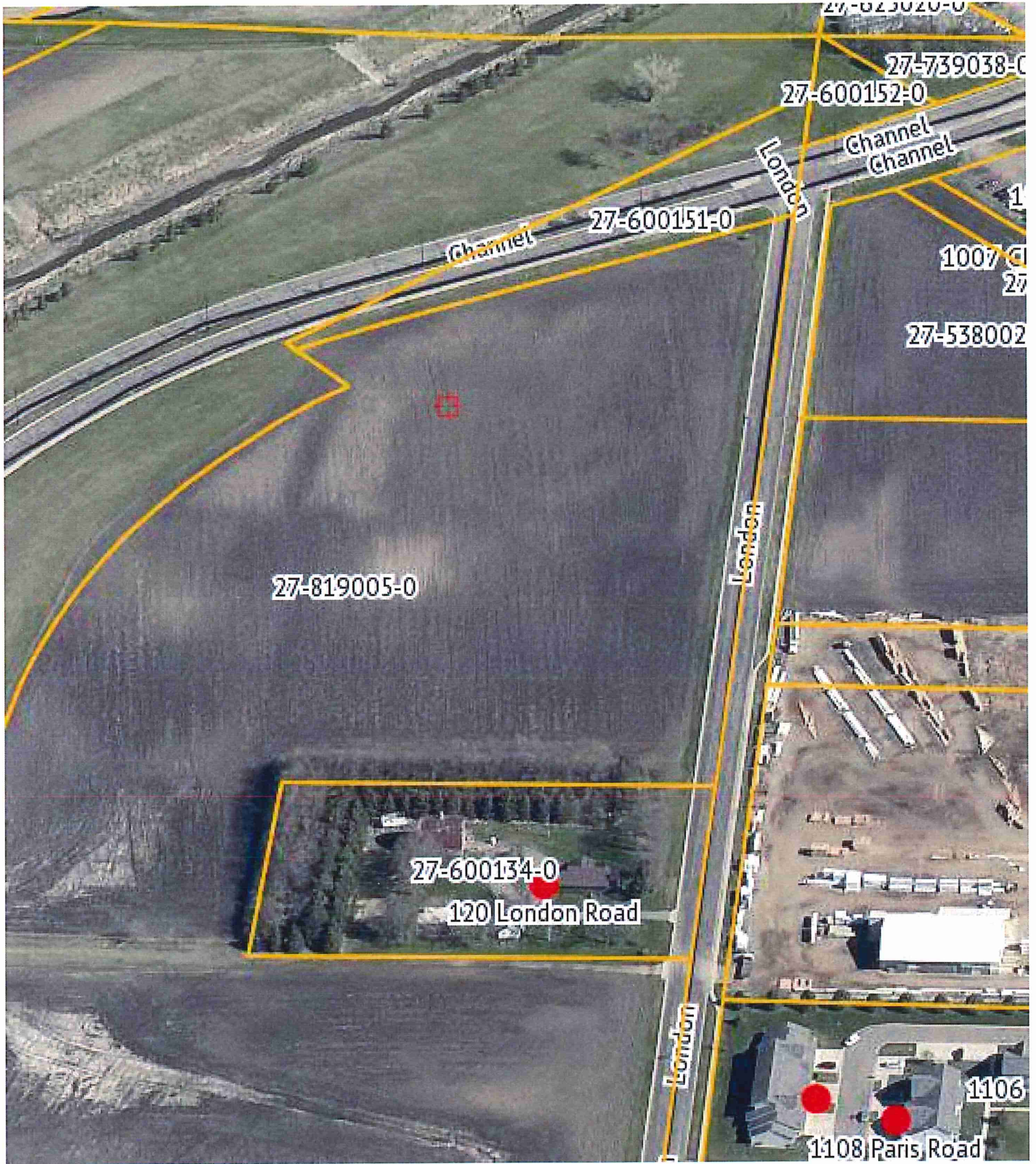
A		AGRICULTURAL	R-4		HIGHER DENSITY - MULTIPLE FAMILY RESIDENCE	B-3		GENERAL BUSINESS
R-1		ONE FAMILY RESIDENCE	R-5		MANUFACTURED HOME PARK	B-4		SHOPPING CENTER BUSINESS
R-2		ONE TO FOUR FAMILY RESIDENCE	B-1		LIMITED BUSINESS	I-1		LIMITED INDUSTRIAL
R-3		LOW TO MEDIUM DENSITY - MULTIPLE FAMILY RESIDENCE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


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

Exhibit A

NOV. 2, 2023

EXISTING ZONING MAP W/ PROPOSED REZONE AREA FROM R-1 TO I-1





CITY OF MARSHALL AGENDA ITEM REPORT PC 11/08/23

Presenter:	Ilya Gutman
Meeting Date:	Wednesday, November 8, 2023
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Consider Ordinance amending Section 86-106 I-1 Limited Industrial District.
Background Information:	<p>The new Comprehensive Plan has introduced a new land use: Commercial/Industrial Mix use, with the intent to allow both commercial and light industrial uses. This mixed-use district ordinance with associated requirements has not been developed yet. However, the current I-1 Limited industrial district description will serve as the basis for the new district requirements.</p> <p>Based on potential economic development in an area marked as Commercial/industrial use on the Land use map, a rezoning has become necessary, and the most reasonable way for the time being is to rezone this area to an I-1 limited industrial district, while also adding an office use to this district, in line with the future Commercial/Industrial zoning district.</p>
Fiscal Impact:	None.
Alternative/ Variations:	None.
Recommendations:	Staff recommends the recommendation to the City Council approving the revisions amending Section 86-106 I-1 – Limited industrial District by adding business offices as a permitted use in this district as proposed by staff.