



CITY OF MARSHALL
Planning Commission
A g e n d a
Wednesday, February 12, 2025 at 5:30 PM
344 W. Main St., City Hall

APPROVAL OF AGENDA

APPROVAL OF MINUTES

- [1.](#) Consider Approval of the Minutes from the Regular Meeting Held on December 4, 2024

PUBLIC HEARING

- [2.](#) Conduct a public hearing on the request for a Conditional Use Permit for a duplex in an R1 District at 212 Carrow Circle.

OLD BUSINESS

NEW BUSINESS

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
DECEMBER 4, 2024**

MEMBERS PRESENT: Lee, Doom, Muchlinski, Deutz, Stoneberg
MEMBERS ABSENT: Pieper, Agboola
OTHERS PRESENT: Jason Anderson, Ilya Gutman, Amanda Schroeder

Call to Order.

The meeting was called to order by Chairperson Lee.

Approval of the Minutes.

Chairperson Lee asked for the approval of the minutes of the November 13, 2024, regular meeting of the Marshall Planning Commission. DOOM MADE A MOTION, SECOND BY STONEBERG, to approve the minutes as written. ALL VOTED IN FAVOR OF THE MOTION. MOTION PASSED 5:0.

Conduct a Public Hearing on the Preliminary Plat of Tiger Office Park

Anderson presented the purpose of this plat is to create individual parcels for each building. Outlot B encompasses all of the parking and access from public rights-of-way for each building lot. Access easement over Lot 3 will need to be included in the final plat. DOOM MADE A MOTION, SECOND BY MUCHLINSKI, to close the public hearing. ALL VOTED IN FAVOR. MUCHLINSKI MADE A MOTION, SECOND BY DEUTZ to recommend approval of the preliminary plat of Tiger Office Park to the City Council, subject to utility companies review and recommendations. ALL VOTED IN FAVOR. MOTION PASSED 5:0.

Other Business

None.

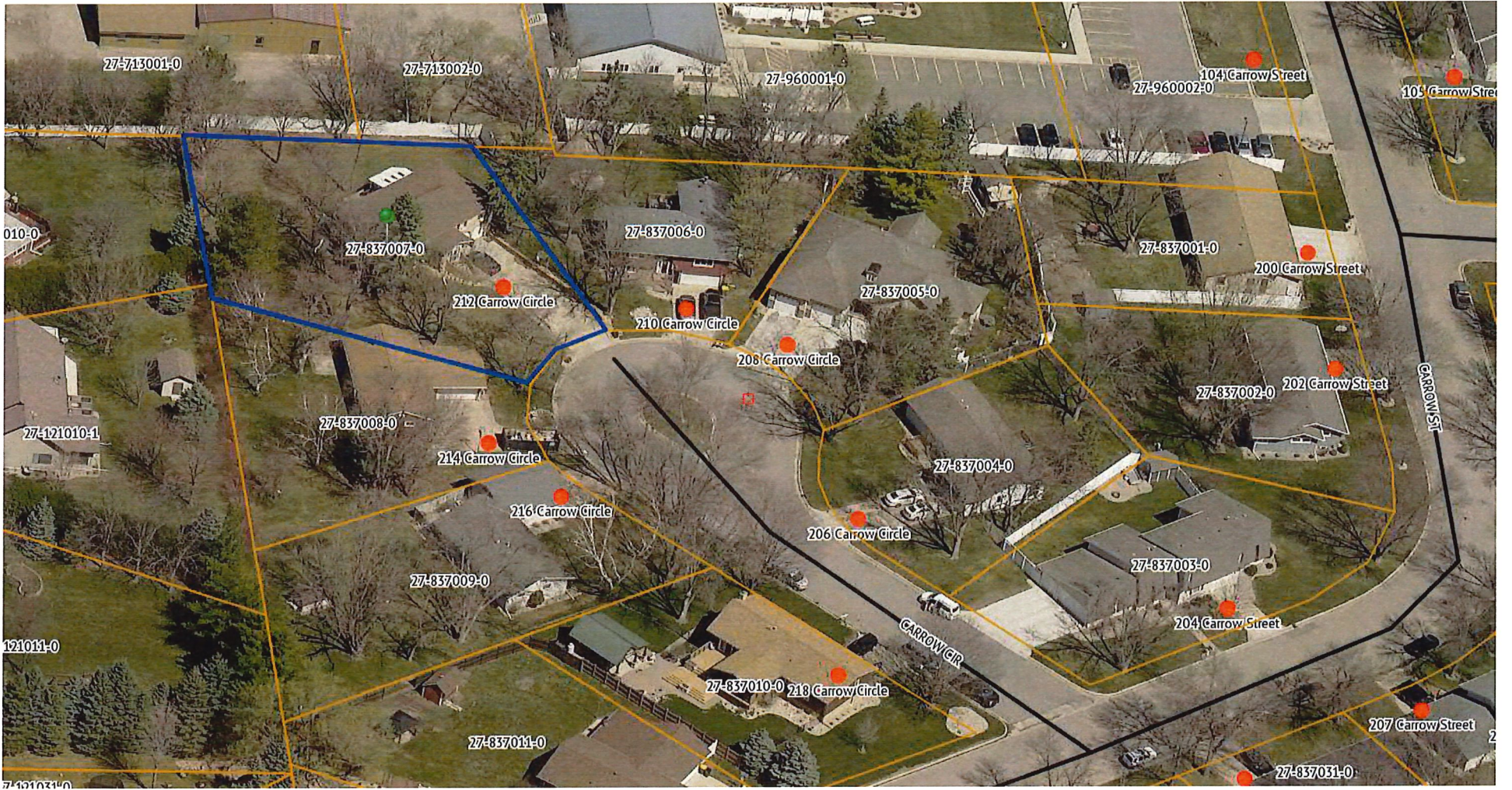
Adjourn

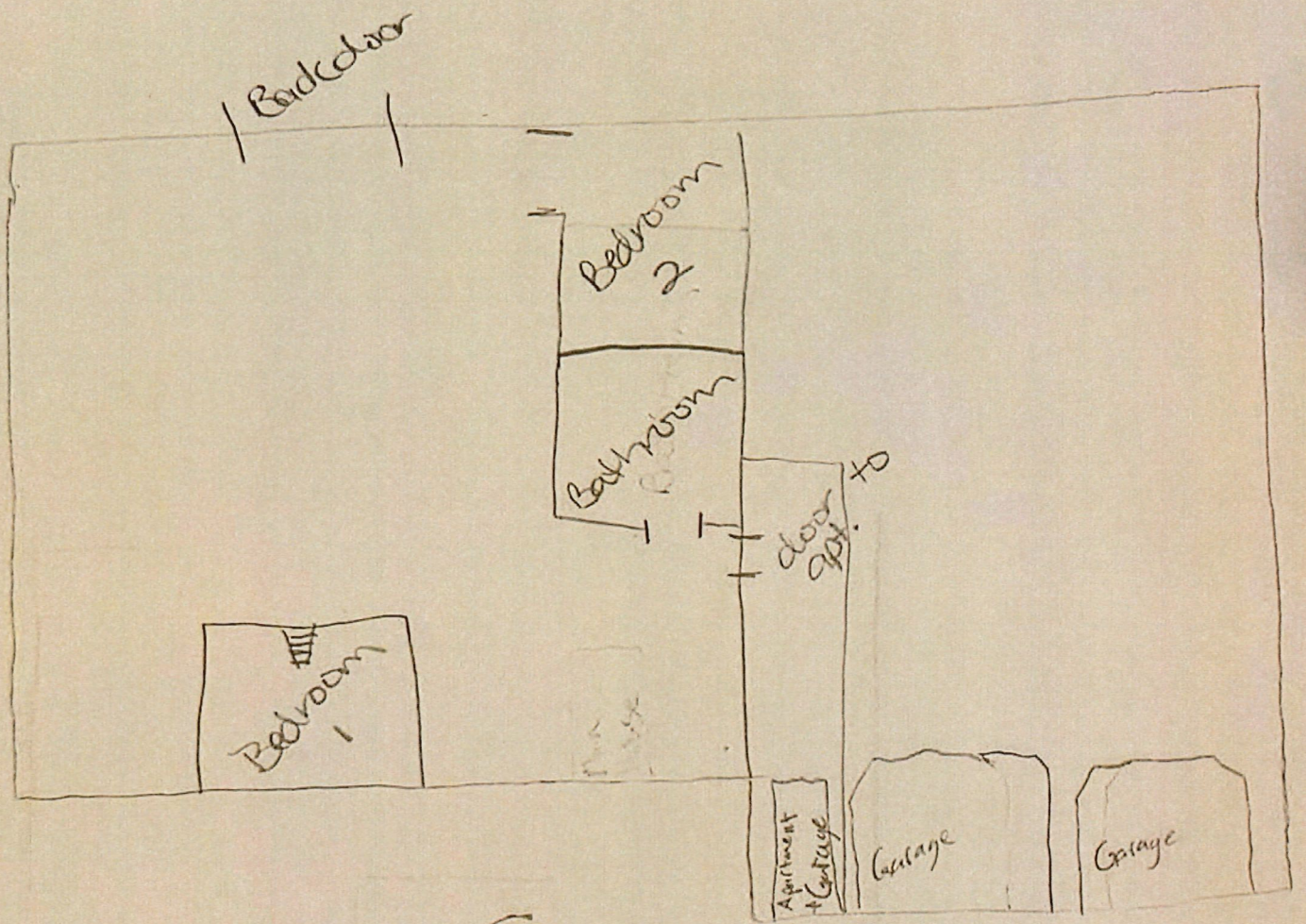
STONEBERG MADE A MOTION, SECOND BY DEUTZ, to adjourn the meeting. ALL VOTED IN FAVOR. MOTION PASSED 5:0. Chairperson Lee declared the meeting adjourned.

Respectfully submitted,
Karla Ellis, Recording Secretary

**CITY OF MARSHALL
AGENDA ITEM REPORT
PC 2/12/25**

Presenter:	Ilya Gutman
Meeting Date:	Wednesday, February 12, 2025
Category:	PUBLIC HEARING
Type:	ACTION
Subject:	Conduct a public hearing on the request for a Conditional Use Permit for a duplex in an R-1 District at 212 Carrow Circle.
Background Information:	<p>This is a request to have a single ownership duplex in an R-1 low density residence District.</p> <p>This building was built in 1976 as a single-family residence. Recently, it has been used as a duplex, and such use in a lower density district requires a conditional use permit.</p> <p>The Conditional Use Permit regulations are found in Section 86-46 and the Standards for Hearing are found in Section 86-49.</p> <p>An aerial photo and a sketch submitted with a rental application are attached for reference.</p> <p>Please see attached Finding of Facts for more detailed information.</p>
Fiscal Impact:	None Known
Alternative/Variations:	None recommended but additional reasonable conditions as proposed by the Planning Commission may be added.
Recommendations:	<ol style="list-style-type: none"> 1. Motion to close public hearing. 2. Staff recommend a motion to recommend to City Council an approval of the request to grant a Conditional Use Permit for a single ownership duplex in an R-1 low density residence District with the following condition: an inspection is conducted to determine that the lower-level apartment is properly separated from the upper unit and garage and a building permit is obtained for all required work.





212 Carrow Circle
 Marshall, MN 56258

Basement Apartm
 2 Bedroom
 1 Bath

Marshall Planning Commission
Report to City Council – Request for Conditional Use Permit
212 Carrow Circle, City of Marshall, Lyon County, Minnesota

WHEREAS, the office of the City of Marshall Zoning Administrator received an application for Conditional Use Permits dated October 10, 2024, for a two-family dwelling under single ownership related to property located at 212 Carrow Circle,

WHEREAS, the applicant for the Conditional Use Permits is the property owner Al Eggermont,

WHEREAS, a written request for a Conditional Use Permit is subject to the Minnesota 60-day rule as codified in Minnesota Statutes §15.99. The 60-day rule requires an approval or denial of a Conditional Use Permit within 60 days of the time Conditional Use Permit request is submitted. However, the applicant submitted a written approval of the time extension that was caused by the local newspaper's publishing deadline adjustments due to the holidays;

WHEREAS, City staff representatives from the Community Planning Department reviewed the application for the Conditional Use Permit;

WHEREAS, Conditional Use Permits are granted only for those uses specifically listed as conditional uses for a particular zoning district;

WHEREAS, this property is zoned R-1 Low density residence district as defined in Ordinance Sec. 86-97 and a two-family dwelling under single ownership is a conditional use in an R-1 Low density residence district;

WHEREAS, a public hearing was scheduled for February 12, 2025, to consider the request for a Conditional Use Permit and notice of that hearing was published and was mailed pursuant to provisions of Ordinance Sec. 86-47 and further in compliance with Minnesota Statutes;

WHEREAS, the public hearing was held as scheduled and the Planning Commission considered the following standard criteria for Conditional Use Permit review as outlined in Ordinance Sec. 86-49:

- (1) Whether the proposed use is compatible with the existing neighborhood environment and use.
- (2) The adequacy of the access to roads and rights-of-way.
- (3) The additional traffic generated by facility.
- (4) The landscaping, fencing and/or screening plan.
- (5) The outside storage provisions.
- (6) The accessory buildings provisions.
- (7) The facility size.
- (8) The area of site.
- (9) The off-street parking facilities.
- (10) The density of the population and structures.
- (11) The duration of proposed interim use.
- (12) The natural features of the area.
- (13) The availability of existing utility and public service facility.
- (14) The future maintenance provisions.
- (15) Whether the proposed use will be injurious to the property or improvements in the area adjacent to such proposed use and the community as a whole.

WHEREAS, Staff offered the following information to the Planning Commission with a recommendation for the Planning Commission to recommend approval to the Council:

- (1) The lot in question is adjacent to the B-3 general business district in the back and there are R-2 one to four family district areas in the close proximity.
- (2) The property is located on a circle providing adequate access.
- (3) Since this use is already in existence, no additional traffic will be generated, and there have been no reported concerns with excessive traffic.
- (4) The standard R-1 landscaping requirements are applicable.
- (5) The standard R-1 outside storage provisions are applicable, which generally prohibit any outside storage.
- (6) The standard R-1 accessory buildings provisions are applicable, which limits the number of accessory buildings to two.
- (7) The building is about the same size as adjacent houses, is not excessive, and it is compatible with other houses in the area.
- (8) The lot area is 19,000 SF which meets all Ordinance requirements and is adequate for the proposed use.
- (9) The house has an attached double garage and a driveway wide enough for two cars, so it meets the Ordinance requirement of two spaces per dwelling unit.
- (10) The density of the area will stay within limits for low density residential area as defined in the City Comprehensive Plan (less than 6 units per acre).
- (11) Not applicable to Conditional Use Permits.
- (12) The lot is unremarkable and similar to adjacent lots.
- (13) Existing utility and public service facilities are adequate for this use.
- (14) Since this is a single ownership, the owner is required to take care of the building in the same manner as a single-family building.
- (15) The building and its use as a two-family dwelling has been there for several years, so approval of a CUP will not have negative effects on the neighborhood.

WHEREAS, the Planning Commission has evaluated all applicable considerations and finds and determines that granting a requested Conditional Use Permit will not be injurious to the adjacent properties and that all standards for hearing are satisfied.

NOW THEREFORE, it is recommended by the Planning Commission to the Marshall City Council that the Conditional Use Permit for a duplex in an R-1 Low Density residence District be approved as recommended by staff with a condition that an inspection is conducted to determine that the lower-level apartment is properly separated from the upper unit and garage and a building permit is obtained for all required work. The motion offered by _____ and seconded by _____, and declared carried on the following vote:

Ayes:

Nays:

Abstained:

Passed:

Marshall Planning Commission

By: Larry Doom

Its: Vice-Chair