

AGENDA
MEETING OF THE MARSHALL PLANNING COMMISSION
WEDNESDAY – JULY 12, 2023
COUNCIL CHAMBERS – CITY HALL
5:30 P.M.

- 1) *Call to Order*
- 2) *Consider the approval of the minutes of the June 14, 2023, regular meeting of the Marshall Planning Commission.*
- 3) *Conduct a Public Hearing for a variance adjustment permit for reduced setbacks for an accessory building at 710 South Bend Avenue.*
- 4) *Other Business*
- 5) *Adjourn*

--UNAPPROVED --

**MINUTES OF THE
MARSHALL PLANNING COMMISSION MEETING
JUNE 14, 2023**

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

1. The meeting was called to order by Chairperson Lee. Lee welcomed new member Moshood Agboola to the Planning Commission. She then asked for the approval of the minutes of the May 10, 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 is the request by the Owner for an Interim Use Permit for a shipping container placement in a B-3 General Business District. The Ordinance allows placing a limited number of containers in a General Business District by an Interim Use Permit. The conditions listed below include a reference (condition 4) to a particular Ordinance section that itemizes specific conditions for container placement. This section is attached to the Interim Use Permit to make sure that only its current version is applicable and compliance with future amendments, if any, to this section will not be required. Staff recommends approval to the City Council of the request by James & Patricia Skewes for an Interim Use Permit to have a storage container on the premises at 1300 Susan Drive 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 05-9-2023 (as attached) by August 31, 2023, including a fence, except side yard requirement. 5.) That this container will have to be moved off the required side yard when adjacent property is developed. Doom asked about the pod on South 4th in the driveway where the daycare is. Gutman said he is not aware of that one. But one may have a container for up to a month without a permit. We don't go looking for containers; it is enforced on complaint bases. Muchlinski MADE A MOTION, SECOND BY Deutz to close the public hearing. ALL VOTED IN FAVOR OF THE MOTION. Pieper MADE A MOTION, SECOND BY Muchlinski to recommend to City Council as recommended by staff.
3. Gutman said this is a request by Vesta, LLC, of Marshall, MN to rezone property at 1030 East Southview Drive from a B-4 Shopping Center Business District to B-3 General Business District. Since shopping centers are not a common use 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 are currently zoned B-3 General Business District. 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 District allows for both. All businesses in the area of rezone are permitted in B-3, so there will be no adverse impacts. Staff recommends approval to the City Council of the request to rezone property at 1030 East Southview Drive from a B-4 Shopping Center Business District to B-3 General Business District. Muchlinski asked if the current businesses would fit the B-3 General Business District. Gutman advised yes. Deutz asked the location of the request. Gutman explained the businesses that are currently there. Doom MADE A MOTION, SECOND BY Deutz to close the public hearing. ALL VOTED IN FAVOR OF THE MOTION. Muchlinski MADE A MOTION, SECOND BY Pieper to recommend to City Council as recommended by staff.
4. Gutman informed that is a request by City of Marshall, Marshall, MN to rezone area at 122 through 216 London Road and as shown on attached map from B-1 Limited Business District and R-1 One Family Residence District to R-4 Higher Density – Multi Family Residence District for potential future development of multi-unit residential building. The new Comprehensive Plan shows this entire area as

--UNAPPROVED --

Neighborhood Mix use with intent to allow for both commercial and residential uses, and R-4 Higher Density – Multi Family Residence District allows both. Staff Recommend approval to the City Council of the request to rezone properties at 122 through 216 London Road from B-1 Limited Business District and R-1 One Family Residence District to R-4 Higher Density – Multi Family Residence District. Muchlinski asked what the property in red is zoned. Gutman advised it is R-1 One Family Residence District. The area with the crisscross is the area that is proposed to be rezoned to R-4 Higher Density – Multi Family Residence district. Amy Lyons, of 205 London Rd questioned why you would take away the R-1 One Family Residence District across the road. Gutman explained it is for the protentional of future development. Lyon asked what development? Gutman answered apartment. Lyons went over other locations that she felt would be a better fit for apartment. Lauren Deutz, Economic Development, explained that both of those options were offered, and this is the location they chose. She said currently we have a lot of single-family lots that are available to building on; if we continue to build at the current rate, we have enough single-family properties to build for the next 13 years. Tom Larson, 1202 Dublin St, asked if you are going to develop roads. Anderson explained that this is being brought forward at a very primitive stage. Right now, it is just rezoning the property that would allow for the use. Larson asked to keep a strip of single family along London the depth of a row of single-family homes. There is a lot of snow issues on London Road and with an apartment that may increase that problem. Plus, there is a lot of children and that increase in traffic would not be a benefit. He would like to see support the developer build where the other apartments currently exist. Lyons suggested to leave the red as a buffer between the proposed R-4 Higher Density – Multi Family Residence District and the houses that are currently there. Larson said you will take away from their view if an apartment goes up. There are several apartments going up around Marshall. And this area seems to be filling up quickly with single family homes. Muchlinski ask if it would be helpful if they put up trees or shrubs as a buffer. Larson said no, that would not be helpful. Schroeder said that currently it is zoned B-1 Limited Business District, so in theory US Bancorp could expand. Deutz went over the locations where he felt it would be a better location. Muchlinski asked where the driveways would be. Lauren Deutz advised the driveway would be coming off on to London. Erin Barker said she is here for her 2 sons as they couldn't be here. Their addresses are 223 and 225 London Road, and their concern is the decrease in their property value. Erik Lundberg of 200 Athens Avenue explained his concerns are for the additional traffic with all the kids that are in the area along with all the other concerns that have been discussed. Nicole Engel of 201 London Road said her concern is that they purchased with the intent of it being zoned what it was. She hopes that everyone will take into consideration all the concerns that have been addressed here tonight. It was zoned that way for a reason so she would like it left that way. Doom said the blue is currently zoned B-1 Limited Business District and one lot depth for R-1 One Family Residence District. Lyons said yes but that will go away. Pieper asked is that what the developer wants. Lauren Deutz said we can talk some more and possibly be able to leave the buffer of one row of R-1 One Family Residence District. This is a process with all this, and nothing would start until next year. But the developer needs to know by July if it is a possibility for their funding. Anderson said it is possible that if that strip is left it could still work. Engel said keep the apartments together instead of scattering them all over. Keep in mind the thoughts and concerns of the people who live there. Lundberg said if you rezone, and this project does not go through, then what can be built there. Gutman said if rezoned now and this project doesn't go through, whatever is allowed in that zone can go there. 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 Deutz to rezone the B-1 Limited Business District to R-4 Higher Density – Multi Family Residence District and leave the R-1 One Family Residence District as a buffer between the apartments and the single-family homes.

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

Respectfully submitted,
Chris DeVos, Recording Secretary

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: July 12, 2023

SUBJECT: REQUEST FOR A VARIANCE ADJUSTMENT PERMIT
710 South Bend Avenue

Action Recommendation
Close public hearing.

Recommend approval to the City Council of the request by Bradin Wyffels for a Variance Adjustment Permit for a reduced rear yard setback to 5-FT for an accessory building.

Background

This is a request from the property owner to construct a new detached garage in the rear corner of their property with a 5-FT rear setback and a 2-FT side yard setback. There is an existing detached garage in this location today. The property owner desires to demolish the existing 22' x 22' structure and replace it with a larger structure, likely 24' wide by 36' deep. See attached drawing.

Granting of a variance may be permitted only if the request meets the "practical difficulties" test, which requires that proposed use is reasonable, that the problem is caused by conditions that are unique to this property, and that granting the variance will not change the character of the area.

Upon review, city staff believes that the argument could be made that this proposal generally meets the practical difficulties test for a rear yard variance. There are numerous structures in this neighborhood and area that do not meet minimum setbacks and there is a garage located here today. This makes the request both reasonable and doesn't change the character of the area. Staff believe that the lot is unique due to the orientation of the lot. The rear yard of this lot aligns with the side yard of 604 W. Southview Drive. In a more typical lot orientation, the neighbor at 604 W. Southview Drive could expect a structure within 5-FT of the lot line.

As for the side yard request, staff questions the reasonableness of placing a larger structure so close to the lot line. The existing building is smaller than the proposed building, and the proposed detached garage will be quite close to the neighboring structure. It would appear that the property owner could construct the new detached garage in a manner that meets the required 5-FT side yard setback.

The variance regulations and procedures are found in Section 86-29. A property aerial photo with proposed site plan is attached for reference.

Fiscal Impact
None known.

Alternatives / Variations

Recommend approval to the City Council of the request by Bradin Wyffels for a Variance Adjustment Permit for a reduced rear yard setback to 5-FT and a reduced side yard setback to 2-FT for an accessory building.

IG:lrk

