



CITY OF MARSHALL
Planning Commission
Agenda
Wednesday, December 04, 2024 at 5:30 PM
City Hall, Council Chambers

APPROVAL OF AGENDA

APPROVAL OF MINUTES

- [1.](#) Consider Approval of the Minutes from the Regular Meeting Held on November 13, 2024

PUBLIC HEARING

- [2.](#) Preliminary Plat of Tiger Office Park

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
NOVEMBER 13, 2024**

MEMBERS PRESENT: Pieper, Lee, Stoneberg, Doom, Muchlinski, Deutz
MEMBERS ABSENT: Agboola
OTHERS PRESENT: Jason Anderson, Ilya Gutman,
Christina Cruz-Jennings (via Zoom)

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 October 9, 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 6:0.

Conduct a public hearing on the request of Brenan Clark for an Interim Use Permit and a Variance Adjustment Permit to have an outside storage unit at 1507 East College Drive

Gutman explained this is a request for an interim use permit for one storage unit (a semi-trailer) in a B-3 General business district in accordance with Section 86-248 (f), which allows one unit, provided it is painted to match the building and does not have any signage. That section also requires that such unit is not placed in the front yard. In this case, the unit is located behind the building, but the lot is a double frontage lot, meaning that it faces streets on two non-adjacent sides, which means that the storage unit is indeed located in the front yard. Consequently, a variance is required prior to an interim use permit approval. Granting of a variance may be permitted only if the request meets the three pronged “practical difficulties” test, which requires that proposed use is reasonable (it is); the problem is caused by the conditions unique to this property and not created by the landowner (it is unique because it is a double frontage lot, with one of the streets effectively serving mostly as a service road; however, this uniqueness would be applicable to all lots between East College Drive and McLaughlin Drive); and that granting the variance will not change the character of the area (this condition is met if we take into account that this trailer has been there for a very long time and is not visible from East College Drive). A variance may be approved (but doesn’t have to be) if all three conditions are met. Doom asked if it is always the recommendation to match the building. Gutman responded the ordinance does ask for it. DOOM MADE A MOTION, SECOND BY STONEBERG, to close the public hearing. ALL VOTED IN FAVOR.

MUCHLINSKI MADE A MOTION, SECOND BY STONEBERG to recommend to City Council approval of the request for a Variance Adjustment Permit for a storage unit (semi-trailer) to be located in the front yard between McLaughlin Drive and the building, subject to the conditions as written by staff. ALL VOTED IN FAVOR. MOTION PASSED 6:0.

STONEBERG MADE A MOTION, SECOND BY DOOM to recommend to City Council approval of the request for an Interim Use Permit for a storage unit (semi-trailer), subject to the conditions as written by staff. ALL VOTED IN FAVOR. MOTION PASSED 6:0.

Conduct a public hearing on the Ordinance amending Sections 86-71 Classes and Enumeration of Districts, 86-96 A Agricultural District, 86-102 B-1 Limited Business District, 86-103 B-2 Central Business District, 86-104 B-3 General Business District, 86-105 B-4 Shopping Center Business District, 86-106 I-1 Limited Industrial District, and 86-107 I-2 General Industrial District, and adding new Section 86-166 Certification Of Cannabis Business License Application, all to comply with the new cannabis State regulations

Gutman informed the State of Minnesota has passed the law making most of cannabis related product legal. For all practical purposes, the only thing local governments are permitted to do is regulate the locations of cannabis related businesses through their zoning ordinances. All sections presented today are being changed to find an appropriate place for each type of a State licensed cannabis related business. The proposed changes are done in a consistent and simple manner. All cannabis related businesses are combined into one use line that lists permitted license types appropriate for a particular district, either as a permitted or conditional use. Section 86-166 Certification of Cannabis Business License Application is added to comply with the State Statutes. Additionally, Section 86-105 B-4 Shopping Center Business District is being repealed because this district is obsolete: no part of town is zoned B-4 anymore, so it is deleted from Section 86-71 Classes and Enumeration of Districts. A few other minor changes were made in several sections to simplify the ordinances; many of them relate to recently passed other ordinance changes, such as rental ordinance. Gutman stated there is very little that is left for the cities to enforce and most of what the city can do is regulate where they are located. Gutman shared the state came up with 13 different licenses and the city is trying to find a place for each of those types of businesses within the city. Gutman stated the city will be treating cannabis sales similar to the way they treat liquor sales. Gutman shared retail businesses cannot be within 500 feet of any school in town. Deutz asked if people have to apply through the city or just the state. Deutz stated that with alcohol and tobacco people need to go through the city and the state. Gutman responded that the license will go through the State. Anderson stated that the licensing is through the state, they do not need approval of the city to operate. The city can only regulate the zoning enforcement. STONEBERG MADE A MOTION, SECOND BY MUCHLINSKI, to close the public hearing. ALL VOTED IN FAVOR. STONEBERG MADE A MOTION, SECOND BY DOOM to recommend to City Council approving the revisions amending Sections 86-71 Classes and Enumeration Of Districts, 86-96 A Agricultural District, 86-102 B-1 Limited Business District, 86-103 B-2 Central Business District, 86 104 B-3 General Business District, 86-105 B-4 Shopping Center Business District, 86-106 I-1 Limited Industrial District, and 86-107 I-2 General Industrial District, and adding new Section 86-166 Certification Of Cannabis Business License Application as recommended by staff. ALL VOTED IN FAVOR. MOTION PASSED 6:0.

Other Business

Chairperson Lee asked if staff had decided on a date for the December meeting. Ellis stated the December meeting will be moved to December 4 instead of our regular meeting. Doom asked if there was a way to reroute trucks on Main Street and have Main Street to be more pedestrian friendly. Jason stated it was brought up in the Legislative and Ordinance meeting but will need to go back and review the notes. Since there was no other business, STONEBERG MADE A MOTION, SECOND BY PIEPER, to adjourn the meeting. ALL VOTED IN FAVOR. MOTION PASSED 6:0. Chairperson Lee declared the meeting adjourned.

Respectfully submitted,
Ellis, Recording Secretary

Item 1.



PLANNING COMMISSION
12/04/2024
AGENDA ITEM REPORT

Presenter:	Jason Anderson
Meeting Date:	Wednesday, December 4, 2024
Category:	PUBLIC HEARING
Type:	ACTION
Subject:	Preliminary Plat of Tiger Office Park
Background Information:	<p>Attached please find a copy of the preliminary plat of Tiger Office Park. Also attached is a copy of the Engineer's Report of Preliminary Plat Review.</p> <p>The purpose of this plat is to create individual parcels for each building. Lot 3 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 created for each building lot.</p> <p>A copy of the proposed subdivision has been sent to the local utility companies for their review and comments.</p>
Fiscal Impact:	The applicant has paid the \$300 escrow for direct costs relating to the plat and the difference will be refunded or billed to the applicant according to the current Fee Schedule.
Alternative/Variations:	Any additional requirements recommended by the Planning Commission.
Recommendations:	<p><u>Recommendation No. 1</u> Close public hearing.</p> <p><u>Recommendation No. 2</u> Recommend approval of the preliminary plat of Tiger Office Park to the City Council, subject to utility companies review and recommendations.</p>

**ENGINEER'S REPORT
 PRELIMINARY PLAT REVIEW**

Subdivision Name: Tiger Office Park

Quarter NE¹/₄ Section 9 Township 111N Range 41W

Owner's Name: Vesta, LLC

Surveyor: Daniel L. Beutel Reg. No. 43844

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			
f.	Zoning classification	X			
g.	Contours		X		Okay; existing fully-built environment
h.	Boundary line bearings and distances	X			
i.	Easement		X		Existing easements not shown
j.	Street names, elevations and grades	X			No elevations, existing

Sec. 66-54. Information required. (1) Preliminary subdivision plat.		Yes	No	N/A	Comments
k.	Utilities		X		Utility boxes only; some surface water not shown
l.	Lot lines, numbers and dimensions	X			
m.	Park land			X	Existing fully-built, not applicable
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	

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	Existing fully-built environment
	2. Drainage flow facility.				
b.	Utility plans			X	

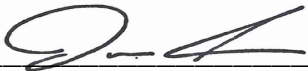
CITY ENGINEER'S RECOMMENDATIONS:

Approve.

DATE RECEIVED: November 1, 2024

DATE REVIEWED: November 25, 2024

PLANNING COMMISSION REVIEW DATE: December 4, 2024



 Jason R. Anderson, P.E.
 Director of Public Works/Planning & Zoning Administrator

PRELIMINARY PLAT TIGER OFFICE PARK

Marshall, Minnesota

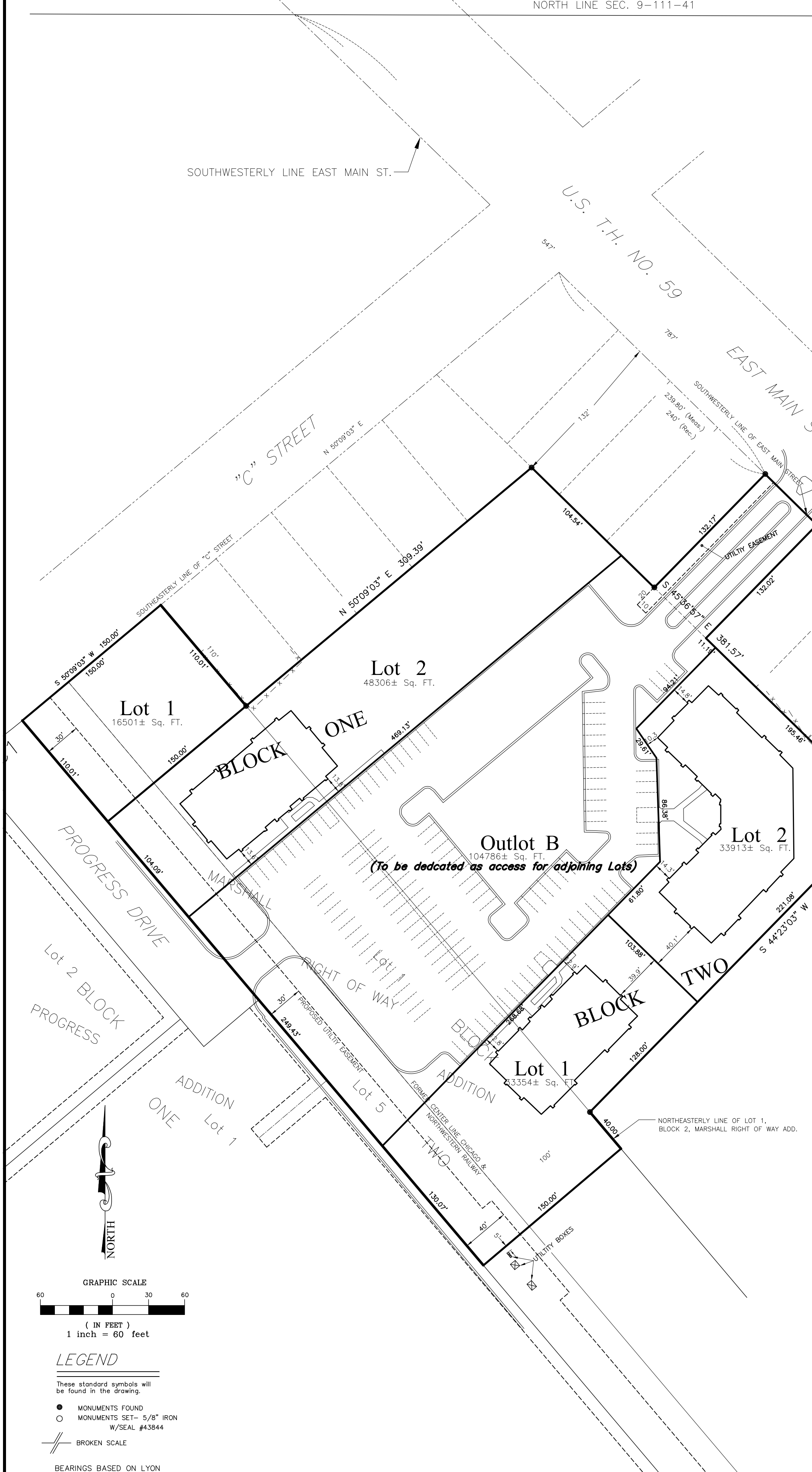
NORTH LINE SEC. 9-111-41

LAND DESCRIPTION

All that part of the Northeast Quarter of Section 9, Township 111 North, Range 41 West, in the City of Marshall, Lyon County, Minnesota, being more particularly described as follows:

Commencing at the the intersection of the north line of said Northeast Quarter and southwesterly right of way line of East Main Street (a.k.a. U.S. T.H. No. 59); thence southeasterly, along said southwesterly right of way line, a distance of 787.00 feet to an existing iron monument mark with seal number 13593, said iron monument being the point of beginning; thence South 45 degrees 36 minutes 57 seconds East, bearing based on Minnesota State Plane Coordinate System Lyon County Datum, along said southwesterly right of way line, a distance of 28.00 feet; thence South 44 degrees 23 minutes 03 seconds West, at right angles to last described line, a distance of 481.09 feet, to a point of the northeasterly line of Lot 1, Block 2 of Marshall Right Of Way Addition, in said City of Marshall, as filed and recorded in the office of the County Recorder in and for said Lyon County, said line is 100 feet northeasterly of the former center line of the Chicago & Northwestern Railway; thence North 40 degrees 15 minutes 57 seconds West, along the northeasterly line of said Lot 1, a distance of 442.58 feet, to a point which is 110 feet southeasterly, measured at right angles from the southeasterly line of "C" Street in said City of Marshall; thence North 50 degrees 09 minutes 03 seconds East, parallel to the southeasterly line of said "C" Street, a distance of 309.39 feet, to a point which is 132 feet southwesterly, measured at right angles from the southwesterly right of way line of said East Main Street; thence South 45 degrees 36 minutes 57 seconds East, parallel to said southwesterly line, a distance of 381.57 feet, to a point which is at right angles from the point of beginning; thence North 44 degrees 23 minutes 03 seconds East a distance of 132.00 feet to the point of beginning.

AND



Land Description (continued)

Beginning at a point 547 feet in a southeasterly direction from at point where the southwesterly side of Main Street of the City of Marshall crosses the Northerly line of Section Nine (9), Township One Hundred Eleven (111), Range Forty-one (41), thence running 60 feet further in a Southeasterly direction, thence at right angles 132 feet in a Southwesterly direction, thence 60 feet at right angles in a Northwesterly direction, thence at right angles 132 feet to the point of beginning.

AND

All that part of Lots 1 and 5, Block 2 of Marshall Right Way Addition, in the City of Marshall, as filed and recorded in the office of the County Recorder in and for Lyon County, Minnesota.

Beginning at the southwesterly corner of said Lot 5; thence South 40 degrees 15 minutes 57 seconds East, along the southwesterly line of said Lot 5, a distance of 593.60 feet; thence North 49 degrees 44 minutes 33seconds East a distance of 150.00 feet to a point on the northeasterly line of said Lot 1; thence North 40 degrees 15 minutes 57 seconds West, along said northeasterly line a distance of 592.59 feet to a point on the southeasterly line of C Street in said City of Marshall;

TOTAL AREA = 5.44± Acres

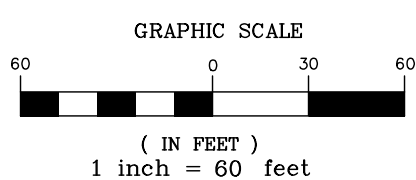
OWNER:
Vesta, LLC

ZONING - B-1 LIMITED BUSINESS

SET BACKS -
FRONT - 25'
SIDE - 10'
REAR - 25'

DATE: NOVEMBER 8, 2024

Prepared by
Buelgel-Moseng Land Surveying, Inc.
Marshall, MN 56258 Ph. 507-532-9043
PROJECT NO. 24-6752



LEGEND

These standard symbols will be found in the drawing.

- MONUMENTS FOUND
- MONUMENTS SET- 5/8" IRON W/SEAL #43844

/// BROKEN SCALE

BEARINGS BASED ON LYON COUNTY COORDINATES (1996 Adj)