



CITY OF MARSHALL
Planning Commission
A g e n d a
Wednesday, July 10, 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 June 12, 2024

PUBLIC HEARING

2. Consider the request for a Variance Adjustment Permit for a Reduced Side Yard
3. Public Hearing on Preliminary Plat of Ag Plus Swenson Addition

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
JUNE 12, 2024**

MEMBERS PRESENT: Pieper, Deutz, Agboola, Muchlinski, Doom
MEMBERS ABSENT: Stoneberg, Lee
OTHERS PRESENT: Jason Anderson, Ilya Gutman, Amanda Schroeder
Steven Anderson (via Zoom), Pamela Whitmore (via Zoom)

Call to Order.

The meeting was called to order by Vice Chairperson Doom.

Approval of the Agenda

Anderson requested to move agenda item 5, Registration/Zoning for THC retail sales, to the top of the agenda. MUCHLINSKI MADE A MOTION, SECOND BY DEUTZ, to approve the agenda. ALL VOTED IN FAVOR OF THE MOTION. MOTION PASSED 5:0.

Approval of the Minutes.

Vice Chairperson Doom asked for the approval of the minutes of the May 08, 2024, regular meeting of the Marshall Planning Commission. PIEPER MADE A MOTION, SECOND BY DEUTZ, to approve the minutes as written. ALL VOTED IN FAVOR OF THE MOTION. MOTION PASSED 5:0.

Registration/Zoning for THC retail sales

Pamela Whitmore, City Attorney, shared the Registration is a proposed ordinance under Chapter 22 – Businesses. This would allow for the registration of any retailer selling lower-level intoxicating hemp products. Whitmore informed this would enable the city to do enforcement and compliance checks for labeling and age sale. Whitmore shared part of the Zoning amendment is for Home Occupation, which would prohibit sales of these products in home occupations. Whitmore informed the second part of the Zoning amendment is for various business districts to allow sales but put a buffer from schools for these retail sales to be at least 500 feet from a primary building. Due to the nature of the locations of different businesses, staff would be including the line from the center of the primary building instead of the property line. The reason this is happening now is the sale of lower-level product has been allowed on sites with liquor licenses. L&O wanted to make sure other retailers would have the ability to sell as well. Deutz asked when the state law would take place. Whitmore answered the law has already passed but it would be operational sometime after January 2025. They have granted an OCM the ability to preapprove people, starting with social equity applicants and limiting the number of licenses. This is higher and lower level; they would get all the paperwork turned in and then after they get their licensing the state would check with the people who they “preapproved” to see if it is in a location that is zoning appropriate. MUCHLINSKI MADE A MOTION, SECOND BY AGBOOLA, to close the public hearing. ALL VOTED IN FAVOR. AGBOOLA MADE A MOTION SECOND BY DEUTZ to approve the 500 ft proposed buffer from schools as measured from the school building and also to prohibit home occupation registration. ALL VOTED IN FAVOR. MOTION PASSED 5:0.

Conduct a Public Hearing on a Conditional Use Permit for a Triplex in a B-1 Limited Business District.

Gutman informed this is a request by the owner for a Conditional Use Permit to allow creating a third apartment in a building out of existing commercial space. This building is located in a B-1 Limited Business District. Apartment buildings are a Conditional Use in a Limited Business District. There used to be a License bureau in this building along with two apartments. The bureau has moved, and the owner wants to replace it with another apartment, bringing the total number of apartments in the building to three. This building is located in downtown district, so yards, parking, and lot coverage regulations are not applicable. This lot was rezoned to B-1 Limited Business district in 1986 to allow business use. DEUTZ MADE A MOTION, SECOND BY MUCHLINSKI, to close the public hearing. ALL VOTED IN FAVOR. PIEPER MADE A MOTION, SECOND BY DEUTZ to recommend a motion to recommend to City Council an approval of the request to grant a Conditional Use Permit for a triplex in a B-1 Limited Business District. ALL VOTED IN FAVOR. MOTION PASSED 5:0.

Consider the request for a Conditional Use Permit to install a Billboard at 1604 East College Drive

Gutman informed that the owner applied for a Conditional Use Permit for an advertising sign at 1604 East College Drive. This sign will be a traditional billboard, not a digital sign. The applicant requests two panels total, 17 feet by 20 feet each, installed at about 20-degree angle to each other to face traffic in both directions. The overall height of the sign is requested to be 30 feet. Each side is less than the maximum allowed length of 55 feet and there are no residential districts or other advertising signs within 100 feet of the proposed sign, so this request meets specific requirements for advertising signs. Tom Wicks, Summit locations leasing agent, informed the billboard will be a 17x20 vinyl billboard. Wicks shared they are not Christian based, but the owner is, so no alcohol or gambling advertising will be allowed. Deutz asked what the cost was to rent from Summit Locations. Wicks said it is on average about five hundred to seven hundred dollars a month, but it could vary. MUCHLINSKI MADE A MOTION, SECOND BY DEUTZ, to close the public hearing. ALL VOTED IN FAVOR. MUCHLINSKI MADE A MOTION SECOND BY DEUTZ to recommend to City Council an approval of the request of the Owner for a Conditional Use Permit for an advertising sign at 1604 East College Drive, subject to the conditions ALL VOTED IN FAVOR. MOTION PASSED 5:0.

Airport Zoning Ordinance and amend a Zoning map

Anderson stated that the Joint Airport Zoning Board (JAZB) last met for a public hearing on the proposed SW MN Regional Airport Zoning Ordinance on September 5, 2023. At that meeting, the JAZB recommended approval of the proposed airport zoning ordinance and authorized the submittal to MnDOT Aeronautics for review. Following this meeting, TKDA staff submitted the ordinance and supporting documents to MnDOT-Aeronautics for their review and consideration. MnDOT agreed that the JAZB made efforts to comply with MN State Statutes and that proper steps were taken, and the Director of MnDOT Aeronautics approved the airport zoning ordinance. Included with the packet is the Commissioner's Order from MnDOT. The final step and process for the JAZB was to adopt the airport zoning ordinance on 2/6/2024. MnDOT required a formal JAZB resolution, included in the packet, with signatures from the members of the JAZB. Anderson shared the zoning map and explained each of the different colored prisms and circles represent different zones. Inside prisms are Zone A and there should be no buildings inside this zone. The Green areas on the zoning map are Zone B and they're supposed to be density restricted. Inside the black area on the zoning map is Zone C and there are very limited regulations inside this zone beyond height restrictions, no glare and no waterfowl attractants. Deutz asked if there were any height restrictions in town. Anderson replied there was, but it would depend on where you were located. Anderson shared they did write exceptions for existing uses specifically for Zone A and Zone B. Anderson informed if you already have a use in Zone A and Zone B, it can continue to exist, but you cannot expand beyond the use. Moshood asked what's the tallest building that can be put withing Zone C. Anderson replied when you get away from the runway the height is not an issue. Anderson shared height restrictions become a major issue by Zone A. DEUTZ MADE A MOTION, second by AGBOOLA, to close the public hearing. All VOTED IN FAVOR MUCHLINSKI MADE A MOTION, SECOND BY DEUTZ, to recommend to the City Council adding Article 86-VII Airport Zoning to the Zoning Ordinance and revising zoning map by adding airport safety zones. ALL VOTED IN FAVOR. MOTION PASSED 5:0.

Other Business

Deutz asked if there were any plans for new welcome signs for the City of Marshall. Anderson responded it had been brought up a few years ago but nothing has been pushed or acted upon. The difficulty was with the 7 different State Highway access, it could get costly. Deutz asked if the Armory was undergoing renovation. Anderson informed they are doing a renovation and an addition, but that was a state project. Muchlinski asked if there were any developers for the old west side school lot. Anderson said he has not heard of any. Since there was no other business, PIEPER MADE A MOTION SECOND BY DEUTZ, to adjourn the meeting. ALL VOTED IN FAVOR. MOTION PASSED 5:0 Vice Chairperson Doom declared the meeting adjourned.

Respectfully submitted,
Karla Ellis, Recording Secretary

**CITY OF MARSHALL
AGENDA ITEM REPORT
PC 7/10/24**

Presenter:	Ilya Gutman
Meeting Date:	Wednesday, July 10, 2024
Category:	PUBLIC HEARING
Type:	ACTION
Subject:	Consider the request for a Variance Adjustment Permit for a Reduced Side Yard
Background Information:	<p>This is a request from the property owner to construct a new addition that would be located five feet from the side property line instead of the required ten feet.</p> <p>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.</p> <p>Building an addition is obviously reasonable. However, there is nothing unique about this property, which is a typical rectangular interior lot. Additionally, there are no other buildings around that are too close to their side property lines so building this addition may change the character of the area.</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:	Recommend denial.
Recommendations:	<p>Close public hearing.</p> <p>Recommend denial to the City Council of the request by Mike Dalager for a Variance Adjustment Permit for a reduced side yard setback to five feet.</p>

RESOLUTION NO. 24-001

**MARSHALL PLANNING COMMISSION
REPORT TO CITY COUNCIL – REQUEST FOR VARIANCE ADJUSTMENT PERMIT**

**1309 EAST COLLEGE DRIVE
CITY OF MARSHALL, LYON COUNTY, MINNESOTA**

WHEREAS, the office of the City of Marshall Zoning Administrator received an application for a variance adjustment permit dated June 05, 2024, for building an addition within required side yard at property located at 1309 East College Drive,

WHEREAS, the applicant for the variance adjustment permit was the property owner Mike Dalager,

WHEREAS, City staff representatives from the Community Planning Department reviewed the application for the variance adjustment permit;

WHEREAS, Zoning Ordinance requires ten feet side yard for main structures in B-3 General business district, and

WHEREAS, Zoning Ordinance provides for considerations for granting a variance as follows: the applicant shall prove that the literal enforcement of the provisions of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and the granting of the variances will be in keeping with the spirit and intent of this chapter. The term "practical difficulties," as used in connection with the granting of a variance means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality, and

WHEREAS, staff presented the Planning Commission with information that the applicant desires to build an addition that will project into required side yard, and

WHEREAS, staff believe this proposal meets one of the three conditions for practical difficulties test because building an addition is reasonable. However, it does not meet the uniqueness condition because there does not appear to be anything preventing the intended use of the property and building a smaller addition. Additionally, there are no other buildings around that are too close to their side property lines so building this addition may change the character of the area, and

WHEREAS, a public hearing was held on June 12, 2024, to consider the request for a variance adjustment permit and notice of that hearing was published and was mailed pursuant to provisions of Ordinance Sec. 86-29 and further in compliance with Minnesota Statutes;

WHEREAS, the Planning Commission discussed the variance request and heard from the applicant.

NOW THEREFORE, it is recommended by the Planning Commission to the Marshall City Council that the Variance Adjustment Permit for building an addition within required side yard be denied as recommended by staff. The motion offered by _____ and seconded by _____, and declared carried on the following vote:

Ayes:

Nays:

Abstained:

Passed: ____:____

Marshall Planning Commission

By: Cathy Lee

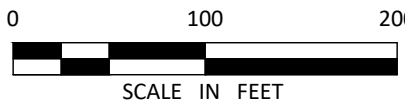
Its: Chair



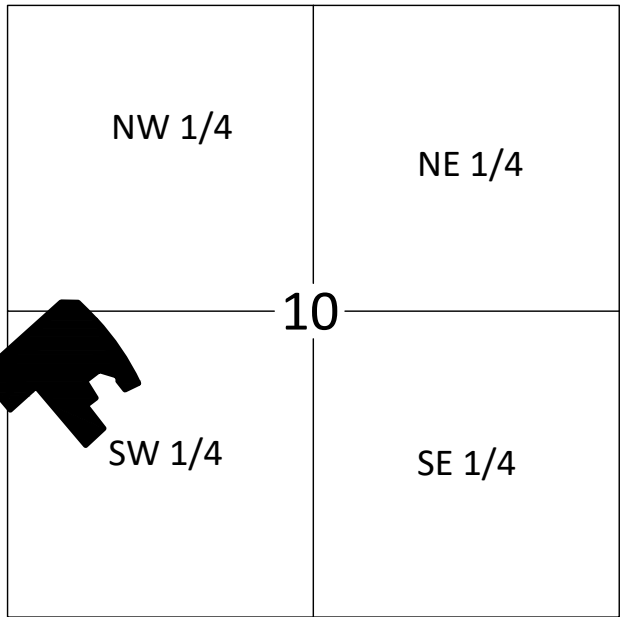
PLANNING COMMISSION
07/10/2024
AGENDA ITEM REPORT

Presenter:	Jason Anderson
Meeting Date:	Wednesday, July 10, 2024
Category:	PUBLIC HEARING
Type:	ACTION
Subject:	Public Hearing on Preliminary Plat of Ag Plus Swenson Addition
Background Information:	<p>Attached please find a copy of the preliminary plat of Ag Plus Swenson Addition.</p> <p>The purpose of this plat is to better describe parcels of land in this area and to better describe and identify access agreement across parcels.</p> <p>Attached please find a copy of the Engineer's Report of Preliminary Plat Review. 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 Ag Plus Swenson Addition to the City Council, subject to utility companies review and recommendations.</p>

AG PLUS SWENSON ADDITION



LOCATION MAP
NOT TO SCALE
10-111-41



July 1st, 2024

LEGEND

<ul style="list-style-type: none">3/4" IRON PIPE MONUMENT SET MARKED BY LIC. NO. 44996MONUMENT FOUNDBENCH MARKAIR CONDITIONERANCHORCATCH BASINCONTROL POINTCLEAN OUTCURB STOP VALVECULVERTELECTRIC PEDESTALELECTRIC TRANSFORMERHANDICAPPED PARKINGHAND HOLEHYDRANTIRRIGATION VALVE BOXLIGHT POLEMAILBOXMANHOLE-ELECTRICMANHOLE-SANITARYMANHOLE-STORMMANHOLE-UTILITYMANHOLE-WATERMETER	<ul style="list-style-type: none">POST INDICATOR VALVESOIL BORINGTRAFFIC SIGNAL POLESIGN - NON TRAFFICTRAFFIC SIGNSPRINKLER HEADCOMMUNICATION PEDESTALUTILITY POLEDECIDUOUS TREECONIFEROUS TREEBUSHVALVECOMMUNICATION UNDERGROUNDELECTRIC UNDERGROUNDFIBER UNDERGROUNDGAS UNDERGROUNDOVERHEAD UTILITYOVERHEAD COMMUNICATIONOVERHEAD ELECTRICWATER SYSTEMSTORM SEWERSANITARY SEWERINTERMEDIATE CONTOURSINDEX CONTOURS
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LEGAL DESCRIPTION
Lot 1, Block 1, Wilke - Miller - Buesing First Addition, City of Marshall, Lyon County, Minnesota

and
All that part of the South Half of the South Half of the Northwest Quarter and all that part of the Southwest Quarter, all in Section 10, Township 111, Range 41, Lyon County, Minnesota, lying Northeastly of the Northeastly right of way line of the Chicago and Northwestern Railway Company, Southwesterly of the Southwesterly right of way line of Highway No. 59 and Southeasterly of the Southeasterly right of way line of State Highway No. 23, except that part of said Southwest Quarter lying South of a line described as commencing at the intersection of the Westerly right of way line of U.S. Highway No. 59 and the Northeastly right of way line of the Chicago and Northwestern Railway Company, thence North, along said Highway right of way line, a distance of 345.00 feet to the beginning of the line to be described; thence West, to the inter-section with said railroad right of way line, and said line there terminating.

except Lots 1-5, Block 1, and Outlots A,B, and C, of Lyon County Co-op Addition.

Also Except;
Commencing at the northwest corner of said Southwest Quarter; thence South 00 degrees 09 minutes 18 seconds East, assumed bearing, along the west line of said Southwest Quarter, a distance of 366.92 feet to the northeasterly right of way line of the former Chicago and Northwestern Railroad; thence South 39 degrees 56 minutes 00 seconds East, along said northeasterly right of way line, a distance of 1040.00 feet; thence North 47 degrees 32 minutes 10 seconds East, along the south line of a conservation easement recorded in Book 241 of Deeds, Page 285 in the office of the County Recorder in and for said Lyon County, a distance of 214.92 feet to the southerly corner of a tract of land recorded in Book 167 of Deeds, Page 109 in the office of said County Recorder; thence North 37 degrees 27 minutes 38 seconds West, along the southwesterly line of said tract, a distance of 250.00 feet, to the westerly corner of said tract; thence North 52 degrees 32 minutes 22 seconds East, along the northwesterly line of said tract, a distance of 107.44 feet, to the point of beginning; thence continuing North 52 degrees 32 minutes 22 seconds East a distance of 252.33 feet; thence North 32 degrees 27 minutes 53 seconds West a distance of 46.31 feet; thence North 73 degrees 00 minutes 46 seconds West a distance of 153.53 feet; thence South 52 degrees 46 minutes 45 seconds West a distance of 149.00 feet, to a point on the northeasterly line of said conservation easement; thence South 31 degrees 26 minutes 46 seconds East, along said northeasterly line, a distance of 172.62 feet to the point of beginning.

Also Except
A parcel of land located in the Northwest Quarter of the Southwest Quarter of Section 10, Township 111 North, Range 41 West, Lake Marshall Township, Lyon County, Minnesota, being more particularly described as follows: Commencing at the west quarter corner of said section; thence South, assumed bearing, along the west line of said section, a distance of 445.11 feet to the centerline of the Chicago and Northwestern Railroad; thence South 39 degrees 45 minutes 45 seconds East, along said railroad centerline, a distance of 958.97 feet; thence North 52 degrees 42 minutes 37 seconds East a distance of 264.96 feet to the Point of Beginning of this description; thence continue North 52 degrees 42 minutes 37 seconds East a distance of 348.00 feet; thence North 37 degrees 17 minutes 23 seconds East a distance of 250.00 feet; thence South 52 degrees 42 minutes 37 seconds West a distance of 348.00 feet; thence South 37 degrees 17 minutes 23 seconds East a distance of 250.00 feet to the point of beginning.

Total Area 18.04 acres

SURVEYOR'S CERTIFICATION

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Jesse D. Zeig
Jesse D. Zeig
License Number 44996
07/01/2024
Date

THIS PLAT PREPARED BY
BOLTON & MENK, INC.

JOB NUMBER: 051.132584

FIELD BOOK:

DRAWN BY: JDZ

ZONING
Primary Zoning: B-3, General Business

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

Front yard regulations- not less than 25 feet on a lot or plot that abuts a minor street or a marginal access service street. 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. 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. No front yard shall be required in the downtown district. Side yard regulations.

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

Rear yard regulations. 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. No building shall be located within 20 feet of any rear lot line abutting a lot in any of the classes of residence districts. No rear yard shall be required in the downtown district.

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

Parts of platted area are also zoned: I-1, Limited Industrial and I-2, General Industrial

DEVELOPER
Steve Traen
Ag Plus Cooperative
301 E 1st St.
Minneota, MN 56264

Surveyor/Engineer
Bolton & Menk Inc
1243 Cedar Street NE
Sleepy Eye, MN 56085

The field survey on which this map is based was performed when snow was covering all or part of the subject property. There could be improvements on the site, or encroachments onto or from the site, observable under other conditions but hidden by snow on the date of this survey.

Underground utility lines and structures are shown in an approximate way only, according to information provided by others. A request that utilities be located for this survey was made through Gopher State One Call (Ticket No.232932775). The underground utility lines and structures shown on this map represent the information provided to Bolton & Menk, Inc. as a result of that request. The surveyor does not guarantee that the information provided was either complete or accurate. The surveyor does not guarantee that there are no other underground utility lines and structures, active or abandoned, on or adjacent to the subject property.

ENGINEER'S REPORT PRELIMINARY PLAT REVIEW

Subdivision Name: Ag Plus Swenson Addition

Quarter/Section NW¹/₄ & SW¹/₄ Section 10, SE¹/₄ Section 9 Township 111N Range 41W

Owner's Name: Lyon County Co-Op Oil Co./James & Teah Swenson

Surveyor: Jessie D. Zeig Reg. No. 44996

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			
h.	Boundary line bearings and distances	X			
i.	Easement	X			
j.	Street names, elevations and grades	X			

PRELIMINARY PLAT REVIEW

SUBDIVISION NAME: AG PLUS SWENSON ADDITION

PAGE 2 of 3

	Sec. 66-54. Information required. (1) Preliminary subdivision plat.	Yes	No	N/A	Comments
k.	Utilities	X			
l.	Lot lines, numbers and dimensions	X			
m.	Park land			X	
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	

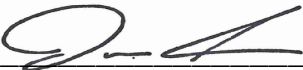
Sec. 66-54. Information required. (2) Other preliminary plans.		Yes	No	N/A	Comments
a.	Drainage and grading plans 1. Existing and proposed drainage.			X	
	2. Drainage flow facility.			X	
b.	Utility plans			X	

CITY ENGINEER'S RECOMMENDATIONS:
Approve

DATE RECEIVED: July 2, 2024

DATE REVIEWED: July 3, 2024

PLANNING COMMISSION REVIEW DATE: July 10 2024



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