



**CITY OF MARSHALL**  
**Planning Commission**  
**Agenda**  
**Wednesday, April 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 March 13, 2024

**PUBLIC HEARING**

- [2.](#) Consider the request of Karen Owen for a Conditional Use Permit for a duplex in an R-1 district
- [3.](#) Preliminary Plat of Kwik Trip 1273
- [4.](#) Ordinance amending Section 86-97 One Family Residence District
- [5.](#) Ordinance repealing Section 86-51 Bed and Breakfast
- [6.](#) Ordinance amending Section 86-107 General Industrial District
- [7.](#) Ordinance amendment to Section 86-162 Yard Modification

**NEW BUSINESS**

- [8.](#) Ordinance amending Section 66-55 Procedures

**OTHER 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  
MARCH 13, 2024**

**MEMBERS PRESENT:** Lee, Pieper, Deutz, Agboola, Stoneberg, Muchlinski, Doom

**MEMBERS ABSENT:**

**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 February 14, 2024, regular meeting of the Marshall Planning Commission. MUCHLINSKI MADE A MOTION, SECOND BY STONEBERG, to approve the minutes as written. ALL VOTED IN FAVOR OF THE MOTION. MOTION PASSED 7:0

**3. Conduct a Public Hearing for a Variance Adjustment Permit for a reduced front yard setback at 608 Adobe Road.**

Gutman explained this is a request for a 20-foot garage addition that would be constructed on the side of the circle and would end up with their front yard approximately 12 feet if measured to the corner of the new garage. However, the city ordinance requires the yard to be 25 feet . The State Statutes and City Ordinance allow granting variances but requires the request to be reasonable, the request should not change the character of the area and the request should be due to the conditions the own property owner's control. Gutman shared in this case the request is reasonable, it would not change the character of the area, however there is nothing unique about this property. Randy VanLeeuwe 608 Adobe Road, explained the reason they are asking for a variance: because it is too close to the corner of the cul-de-sac and they can't have a garage on the street side. Muchlinski asked why he wanted a bigger garage. Randy explained he has a full size pick up and now it fits too tight. Deutz asked how this would be counted as unique. Randy answered it was unique only in the aspect that it was on a cul-de-sac. Pieper asked where the concrete would be added. Randy stated he did not want to make it squared but have it at an angle. Deutz asked if he spoke with his neighbors. Randy said he heard back from a couple neighbors but has not heard any complaints. Randy shared they were asking for 20 feet, but 14 feet would be an alternative request. Deutz asked if building to the right of the garage was an option. Randy explained that it was not due to only having about 8 feet before hitting that setback. STONEBERG MADE A MOTION, SECOND BY PEIPER, to close the public hearing. All VOTED IN FAVOR. MUCHLINSKI MADE A MOTION, SECOND BY STONEBERG, to recommend denial to the City Council of the request by Randy VanLeeuwe for a Variance Adjustment Permit for a reduced front yard setback. VOTING FOR: LEE, PIEPER, STONEBERG, MUCHLINSKI, DOOM. VOTING AGAINST: DEUTZ. ABSTAINED: AGBOOLA. The motion passed by a vote of 5 to 1.

**4. Other Business.**

Since there was no other business, A MOTION WAS MADE BY STONEBERG, SECOND BY MUCHLINSKI, to adjourn the meeting. ALL VOTED IN FAVOR. MOTION PASSED 7:0  
Chairman Lee declared the meeting adjourned.

Respectfully submitted,  
Karla Ellis, Recording Secretary



**CITY OF MARSHALL  
AAGENDA ITEM REPORT  
PC 4/10/24**

<b>Presenter:</b>	Ilya Gutman
<b>Meeting Date:</b>	Wednesday, April 10, 2024
<b>Category:</b>	PUBLIC HEARING
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider the request of Karen Owen for a Conditional Use Permit for a duplex in an R-1 district
<b>Background Information:</b>	<p>This is a request to have a single ownership duplex in an R-1 One Family Residence District.</p> <p>The lot size is adequate for a duplex and all yard regulations will be complied with.</p> <p>One Family Residence District regulations are in Section 86-97. The Conditional Use Permit regulations are found in Section 86-46 and the Standards for Hearing are found in Section 86-49.</p>
<b>Fiscal Impact:</b>	None Known
<b>Alternative/Variations:</b>	None recommended but additional reasonable conditions as proposed by the Planning Commission may be added.
<b>Recommendations:</b>	<ol style="list-style-type: none"> <li>1. Motion to close public hearing.</li> <li>2. Staff recommends 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 One Family Residence District with the following condition: The outside appearance is uniform and masks evidence of two dwellings in the building.</li> </ol>

**Marshall Planning Commission**  
**Report to City Council – Request for Conditional Use Permit**  
**700 East Southview Drive, City of Marshall, Lyon County, Minnesota**

**WHEREAS**, the office of the City of Marshall Zoning Administrator received an application for conditional use permits dated March 22, 2024, for a two-family dwelling under single ownership related to property located at 700 East Southview Drive,

**WHEREAS**, the applicant for the conditional use permits was the property owner Karen Owen,

**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. If no action occurs on the request for conditional use permit within 60 days, it is deemed approved pursuant to Minnesota Statute;

**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 One family residence district as defined in Ordinance Sec. 86-97 and two-family dwellings under single ownership is a conditional use in an R-1 One family residence district;

**WHEREAS**, a public hearing was scheduled for April 10, 2024, 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 R-2 one to four family district and several multi-family buildings are present in the area; additionally, based on presented drawings, proposed building will have its entrances and garages facing different streets making it look more like a single-family house when viewing from each street.
- (2) The property is a corner lot and has frontage to allow for separate accesses from adjacent streets.
- (3) No additional traffic (compared to a single-family house) will be generated on Woodfern Drive since only one unit will have access from it.
- (4) The standard R-1 landscaping requirements will be applicable.
- (5) The standard R-1 outside storage provisions will be applicable, which generally prohibit any outside storage.
- (6) The standard R-1 accessory buildings provisions will be applicable, which limits the number of accessory buildings to two.
- (7) The building size is not excessive and compatible with other houses in the area.
- (8) The lot area is 11,000 SF which adequate and exceeds the minimum required by ordinance for a two-family dwelling in an R-1 district of 10,000 SF.
- (9) The off-street parking facilities will meet the Ordinance requirement of two spaces per dwelling unit, since each unit will have an attached two car garage.
- (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 facility are adequate for proposed building.
- (14) Since this is going to be a single ownership, the owner will be required to take care of the building in the same manner as a single-family building.
- (15) The proposed building will not increase traffic on Woodfern Drive beyond that typical for a single family dwelling, and will blend with the surrounding area, thus avoiding negative effects on the neighborhood.

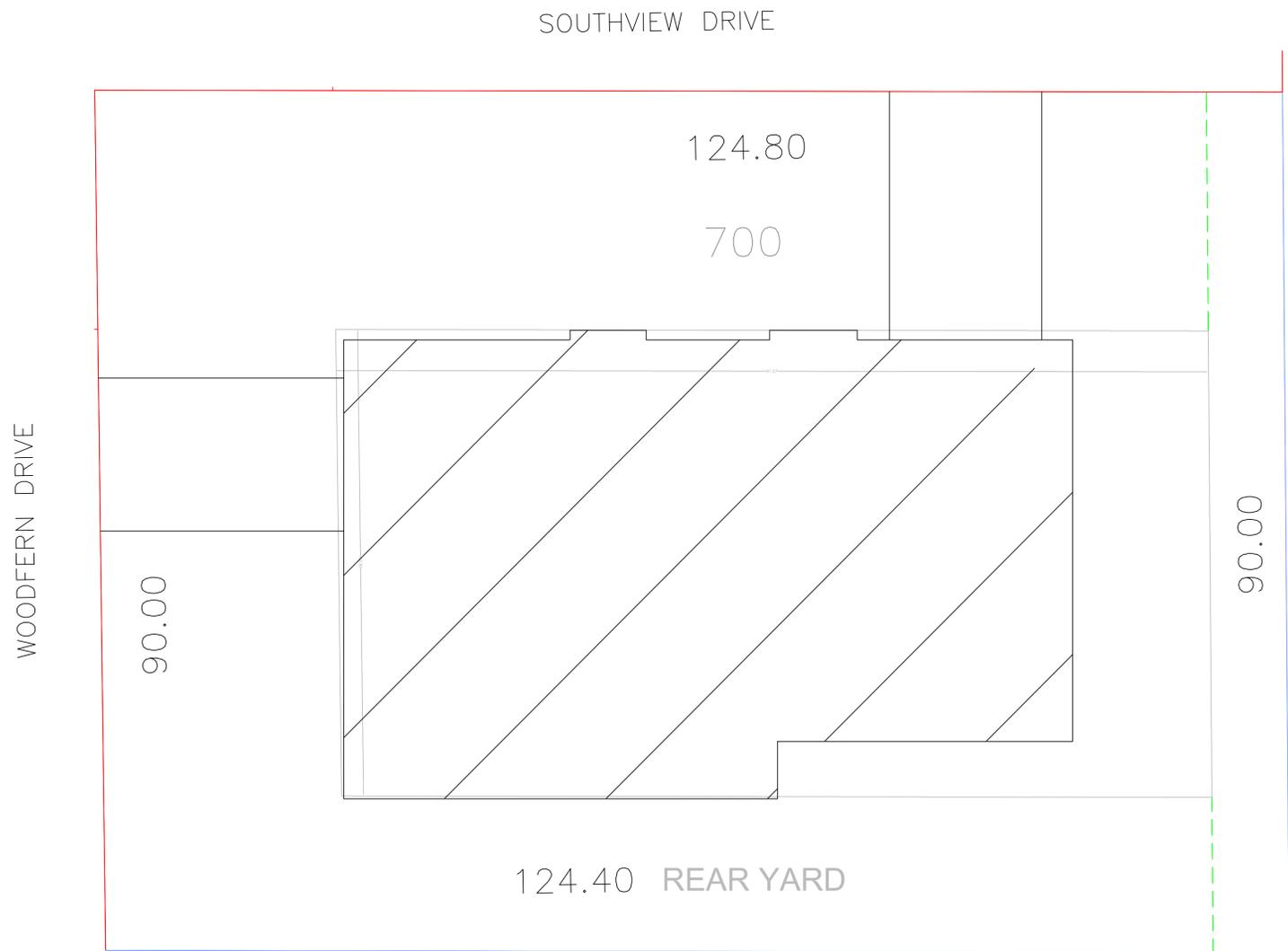
**WHEREAS**, the Planning Commission finds and determines the following:

**NOW, THEREFORE, BE IT RESOLVED**, the Planning Commission hereby \_\_\_\_\_ based on the following:

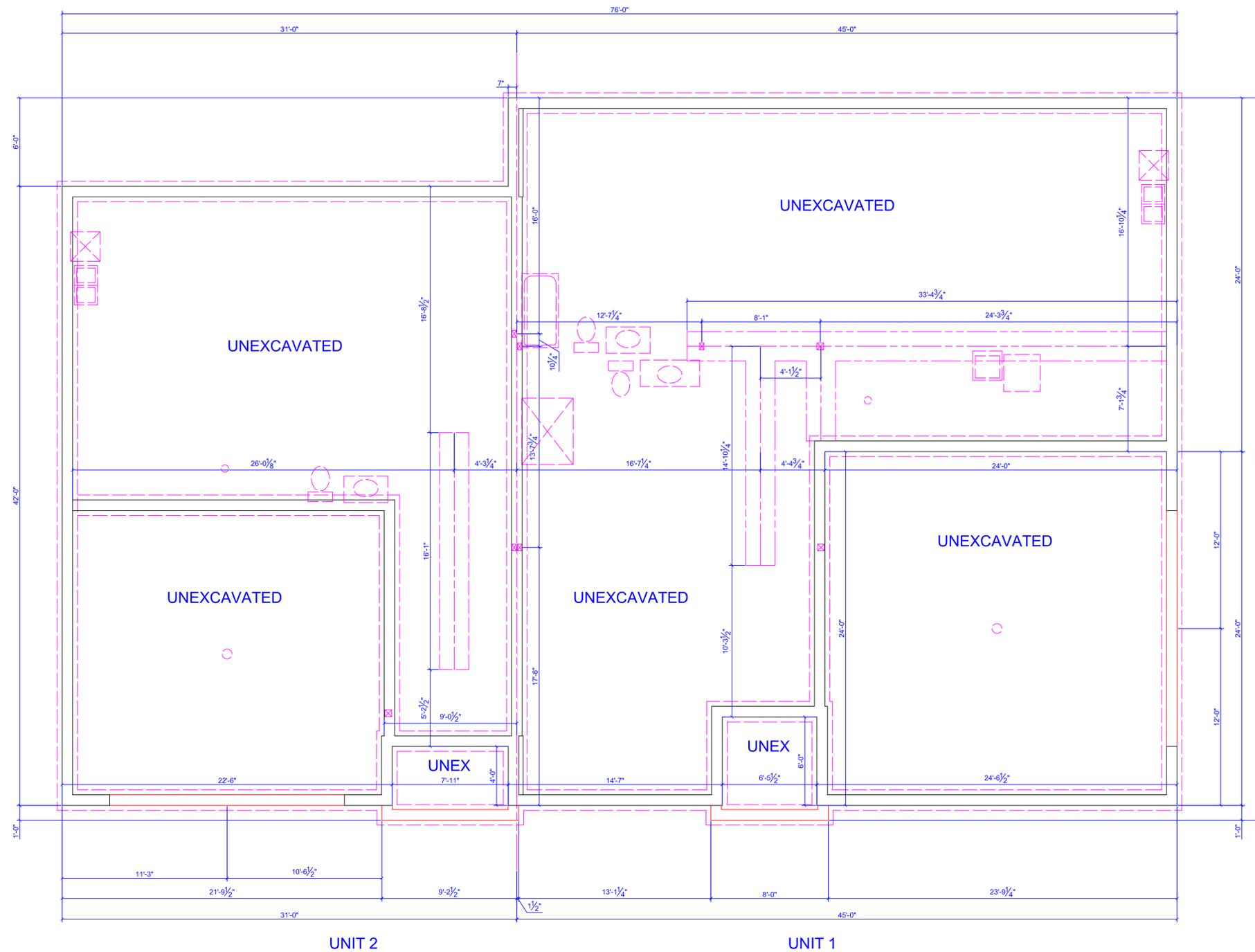
It is therefore recommended by the Planning Commission to the Marshall City Council that the conditional use permits be \_\_\_\_\_.

Marshall Planning Commission

\_\_\_\_\_  
By: Cathy Lee  
Its: Chair



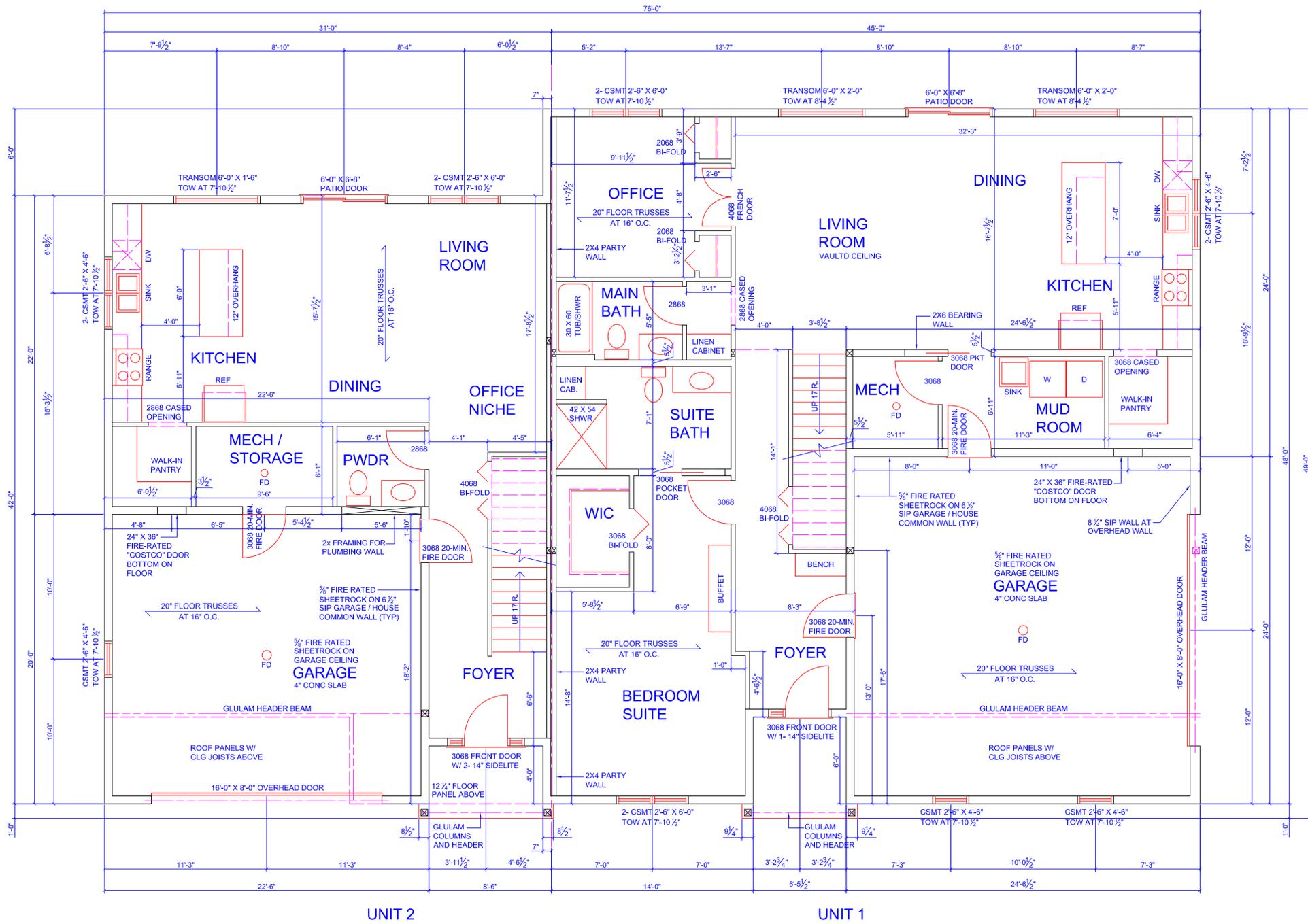
<b>WEGNER DESIGN</b>		MARSHALL, MN (507) 828-3823
KAREN OWEN DUPLEX MARSHALL, MN		DRAWN: 3-23-24 KW
		REVISED:
UNIT 1 GARAGE:	579 SF	<b>P1</b>
UNIT 1 MAIN LEVEL:	1542 SF	
UNIT 1 UPPER LEVEL:	1387 SF	
UNIT 1 TOTAL AREA:	2929 SF	
UNIT 2 GARAGE:	441 SF	
UNIT 2 MAIN LEVEL:	827 SF	
UNIT 2 UPPER LEVEL:	1161 SF	
UNIT 2 TOTAL AREA:	1988 SF	
TOTAL FINISHED AREA:	4917 SF	
DISCLAIMER: EVERY ATTEMPT HAS BEEN MADE TO CREATE AN ACCURATE PLAN. WEGNER DESIGN IS NOT RESPONSIBLE FOR ERRORS OR OMISSIONS.		



**FOUNDATION PLAN**

SCALE: 1/4" = 1'-0"

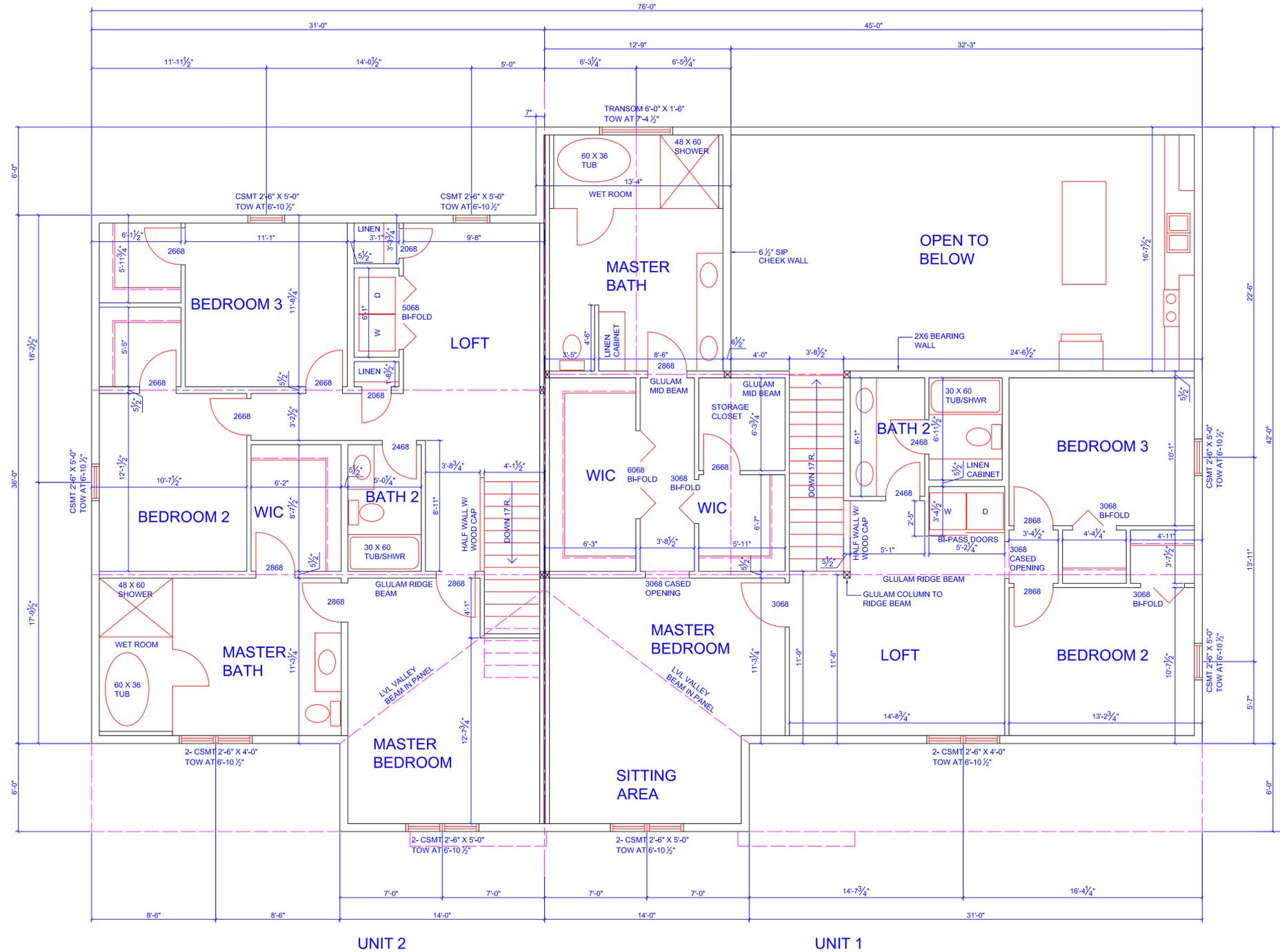
<b>WEGNER DESIGN</b>		MARSHALL, MN (507) 828-3823
KAREN OWEN DUPLEX MARSHALL, MN		DRAWN: 3-23-24 KW
		REVISED:
UNIT 1 GARAGE:	579 SF	<b>A1</b>
UNIT 1 MAIN LEVEL:	1542 SF	
UNIT 1 UPPER LEVEL:	1387 SF	
UNIT 1 TOTAL AREA:	2929 SF	
UNIT 2 GARAGE:	441 SF	
UNIT 2 MAIN LEVEL:	827 SF	
UNIT 2 UPPER LEVEL:	1161 SF	
UNIT 2 TOTAL AREA:	1988 SF	
TOTAL FINISHED AREA:	4917 SF	
DISCLAIMER: EVERY ATTEMPT HAS BEEN MADE TO CREATE AN ACCURATE PLAN. WEGNER DESIGN IS NOT RESPONSIBLE FOR ERRORS OR OMISSIONS.		



**MAIN LEVEL PLAN**

SCALE: 1/4" = 1'-0"

<b>WEGNER DESIGN</b>		MARSHALL, MN (507) 828-3823
KAREN OWEN DUPLEX MARSHALL, MN		DRAWN: 3-23-24 KW
		REVISED:
UNIT 1 GARAGE:	579 SF	<b>A2</b>
UNIT 1 MAIN LEVEL:	1542 SF	
UNIT 1 UPPER LEVEL:	1387 SF	
UNIT 1 TOTAL AREA:	2929 SF	
UNIT 2 GARAGE:	441 SF	
UNIT 2 MAIN LEVEL:	827 SF	
UNIT 2 UPPER LEVEL:	1161 SF	
UNIT 2 TOTAL AREA:	1988 SF	
TOTAL FINISHED AREA:	4917 SF	
DISCLAIMER: EVERY ATTEMPT HAS BEEN MADE TO CREATE AN ACCURATE PLAN. WEGNER DESIGN IS NOT RESPONSIBLE FOR ERRORS OR OMISSIONS.		



**UPPER LEVEL PLAN**

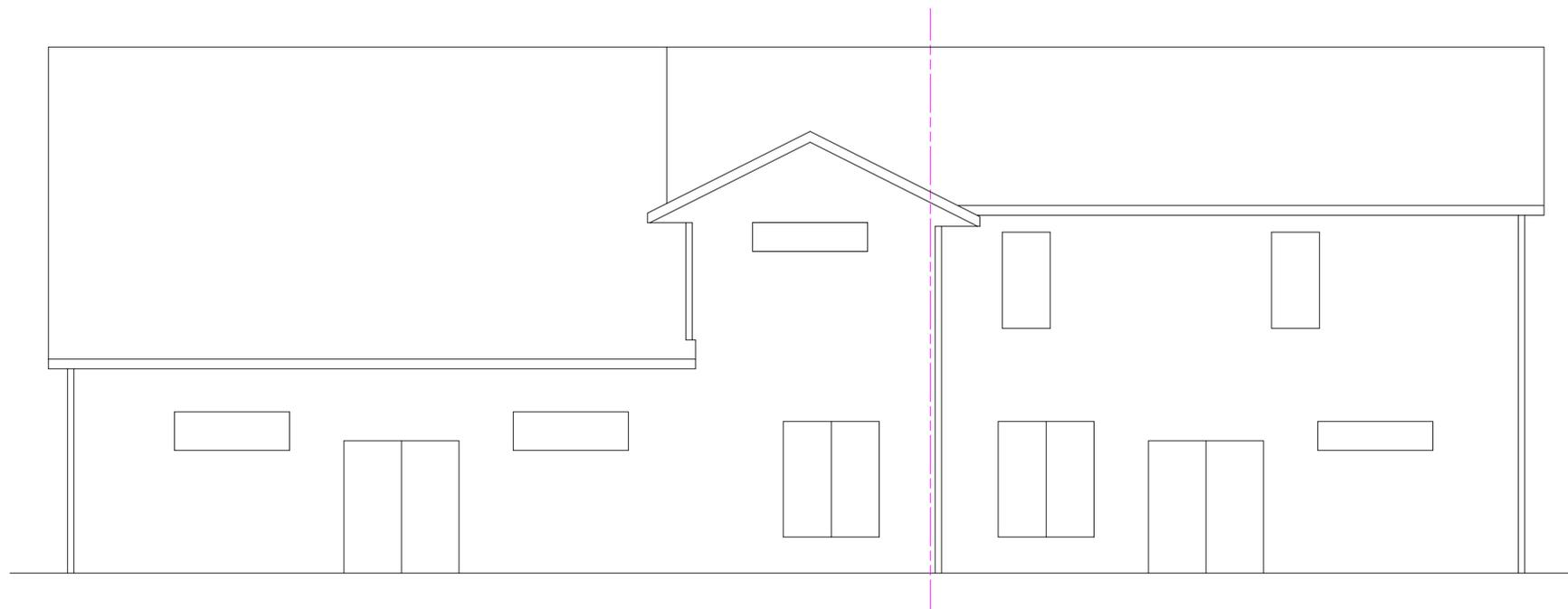
SCALE: 1/4" = 1'-0"

<b>WEGNER DESIGN</b>		MARSHALL, MN (507) 828-3823
KAREN OWEN DUPLEX MARSHALL, MN		DRAWN: 3-23-24 KW
		REVISED:
UNIT 1 GARAGE:	579 SF	<b>A3</b>
UNIT 1 MAIN LEVEL:	1542 SF	
UNIT 1 UPPER LEVEL:	1387 SF	
UNIT 1 TOTAL AREA:	2929 SF	
UNIT 2 GARAGE:	441 SF	
UNIT 2 MAIN LEVEL:	827 SF	
UNIT 2 UPPER LEVEL:	1161 SF	
UNIT 2 TOTAL AREA:	1988 SF	
TOTAL FINISHED AREA:	4917 SF	
DISCLAIMER: EVERY ATTEMPT HAS BEEN MADE TO CREATE AN ACCURATE PLAN. WEGNER DESIGN IS NOT RESPONSIBLE FOR ERRORS OR OMISSIONS.		



**FRONT ELEVATION**

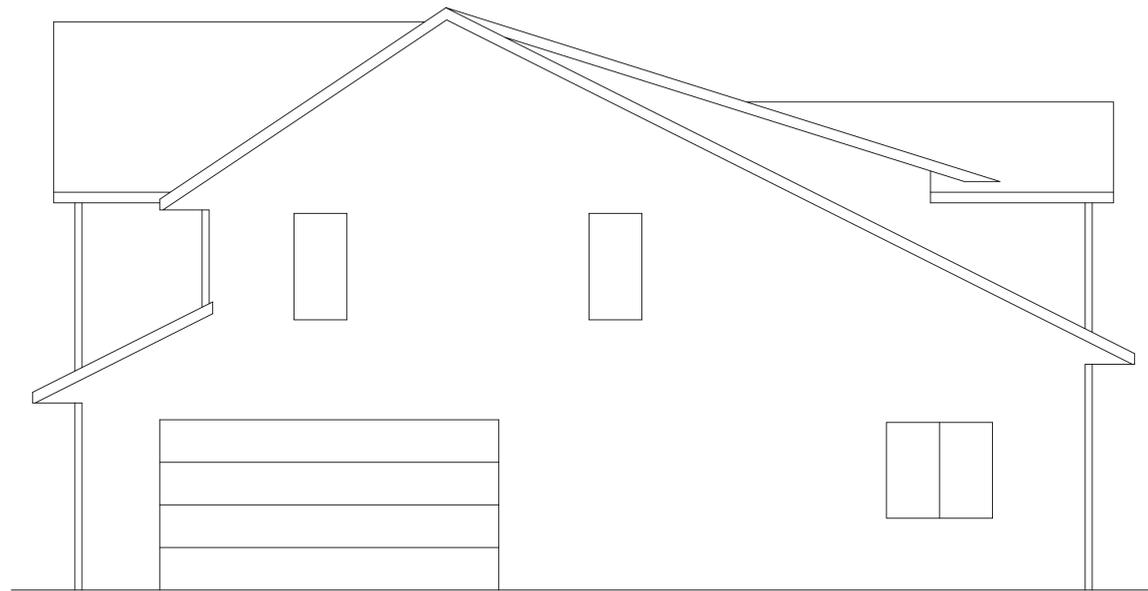
SCALE: 1/4" = 1'-0"



**REAR ELEVATION**

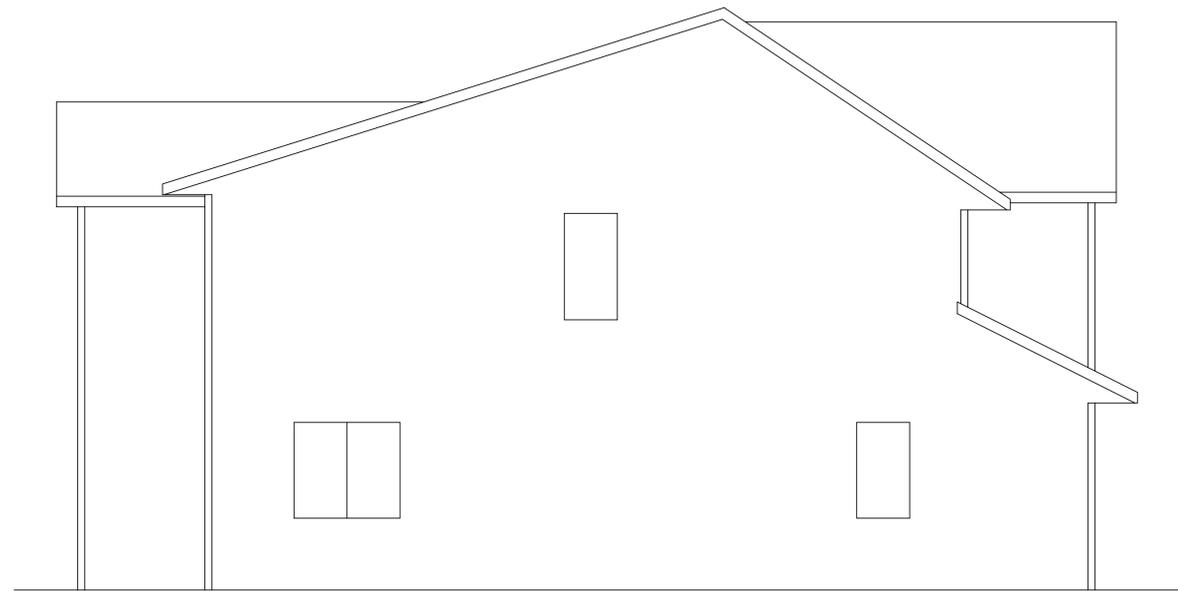
SCALE: 1/4" = 1'-0"

<b>WEGNER DESIGN</b>		MARSHALL, MN (507) 828-3823
KAREN OWEN DUPLEX MARSHALL, MN		DRAWN: 3-23-24 KW
		REVISED:
UNIT 1 GARAGE:	579 SF	<b>A4</b>
UNIT 1 MAIN LEVEL:	1542 SF	
UNIT 1 UPPER LEVEL:	1387 SF	
UNIT 1 TOTAL AREA:	2929 SF	
UNIT 2 GARAGE:	441 SF	
UNIT 2 MAIN LEVEL:	827 SF	
UNIT 2 UPPER LEVEL:	1161 SF	
UNIT 2 TOTAL AREA:	1988 SF	
TOTAL FINISHED AREA:	4917 SF	
DISCLAIMER: EVERY ATTEMPT HAS BEEN MADE TO CREATE AN ACCURATE PLAN. WEGNER DESIGN IS NOT RESPONSIBLE FOR ERRORS OR OMISSIONS.		



**RIGHT ELEVATION**

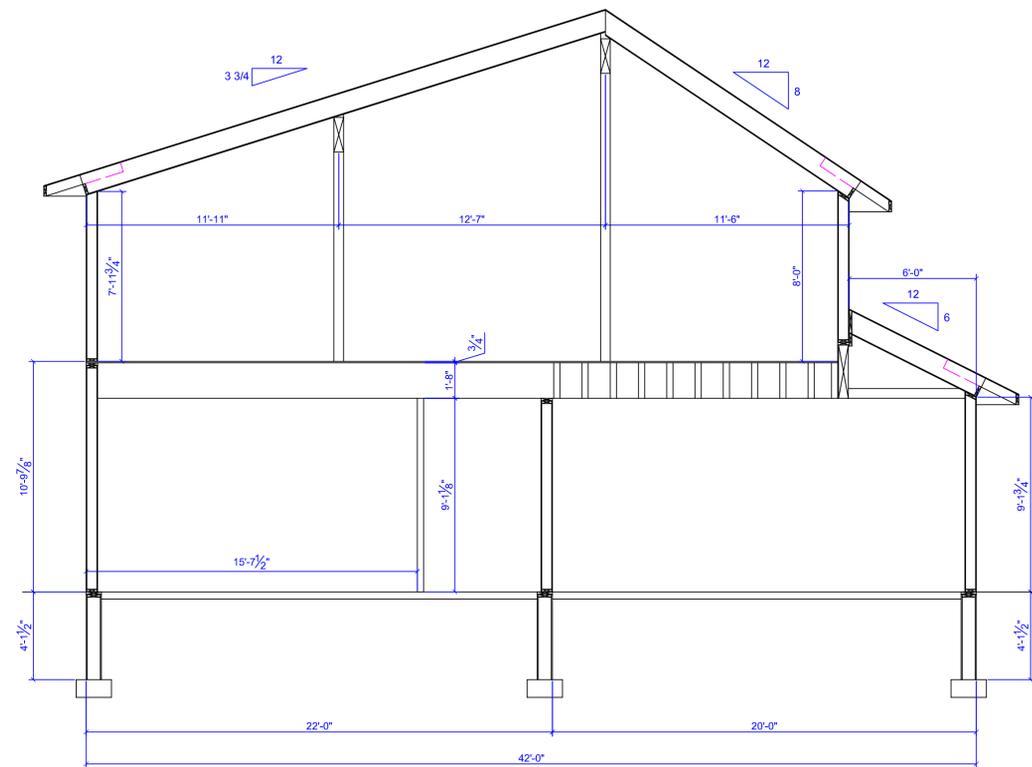
SCALE: 1/4" = 1'-0"



**LEFT ELEVATION**

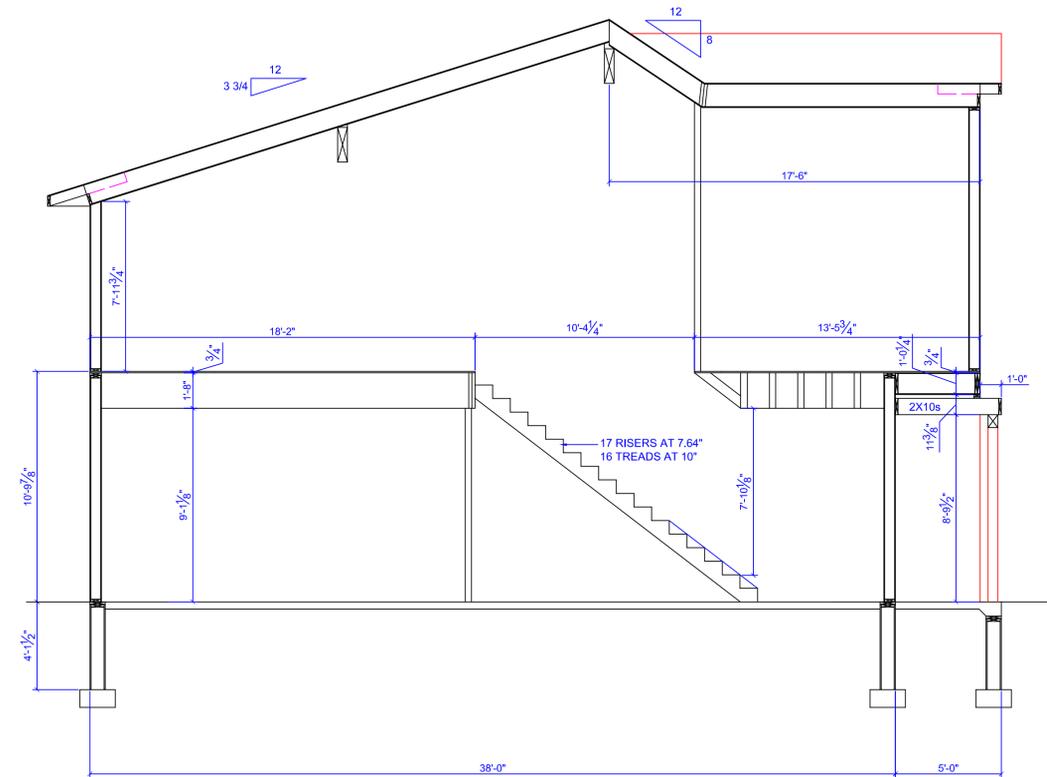
SCALE: 1/4" = 1'-0"

<b>WEGNER DESIGN</b>		MARSHALL, MN (507) 828-3823
KAREN OWEN DUPLEX MARSHALL, MN		DRAWN: 3-23-24 KW
		REVISED:
UNIT 1 GARAGE:	579 SF	<b>A5</b>
UNIT 1 MAIN LEVEL:	1542 SF	
UNIT 1 UPPER LEVEL:	1387 SF	
UNIT 1 TOTAL AREA:	2929 SF	
UNIT 2 GARAGE:	441 SF	
UNIT 2 MAIN LEVEL:	827 SF	
UNIT 2 UPPER LEVEL:	1161 SF	
UNIT 2 TOTAL AREA:	1988 SF	
TOTAL FINISHED AREA:	4917 SF	
DISCLAIMER: EVERY ATTEMPT HAS BEEN MADE TO CREATE AN ACCURATE PLAN. WEGNER DESIGN IS NOT RESPONSIBLE FOR ERRORS OR OMISSIONS.		



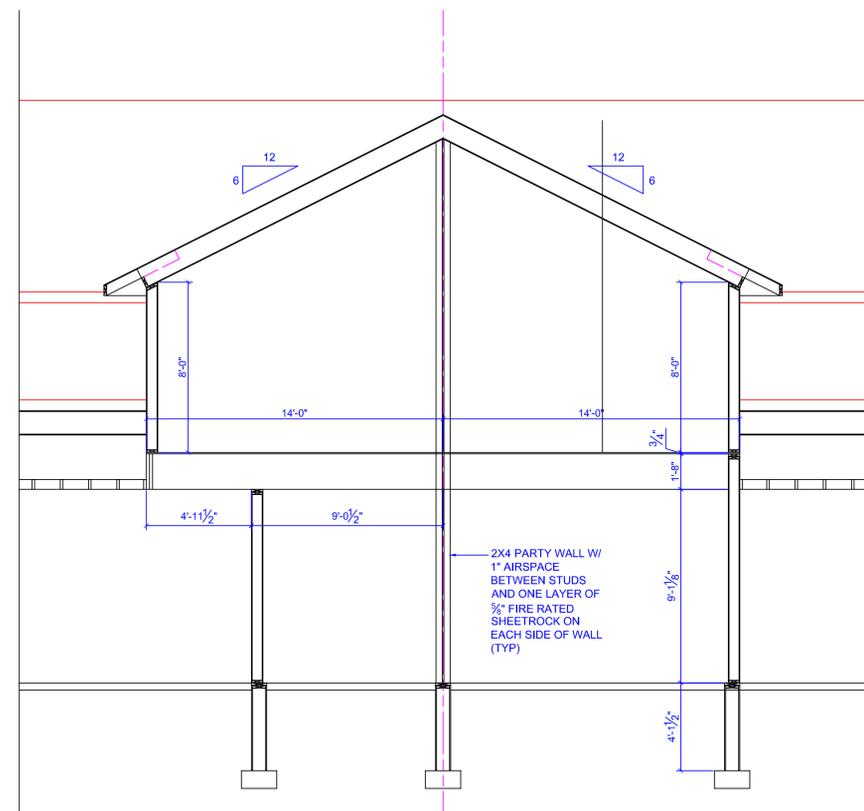
SECTION THRU UNIT 2 GARAGE AND KITCHEN

SCALE: 1/4" = 1'-0"



SECTION THRU UNIT 2 STAIRS AND LIVING ROOM

SCALE: 1/4" = 1'-0"

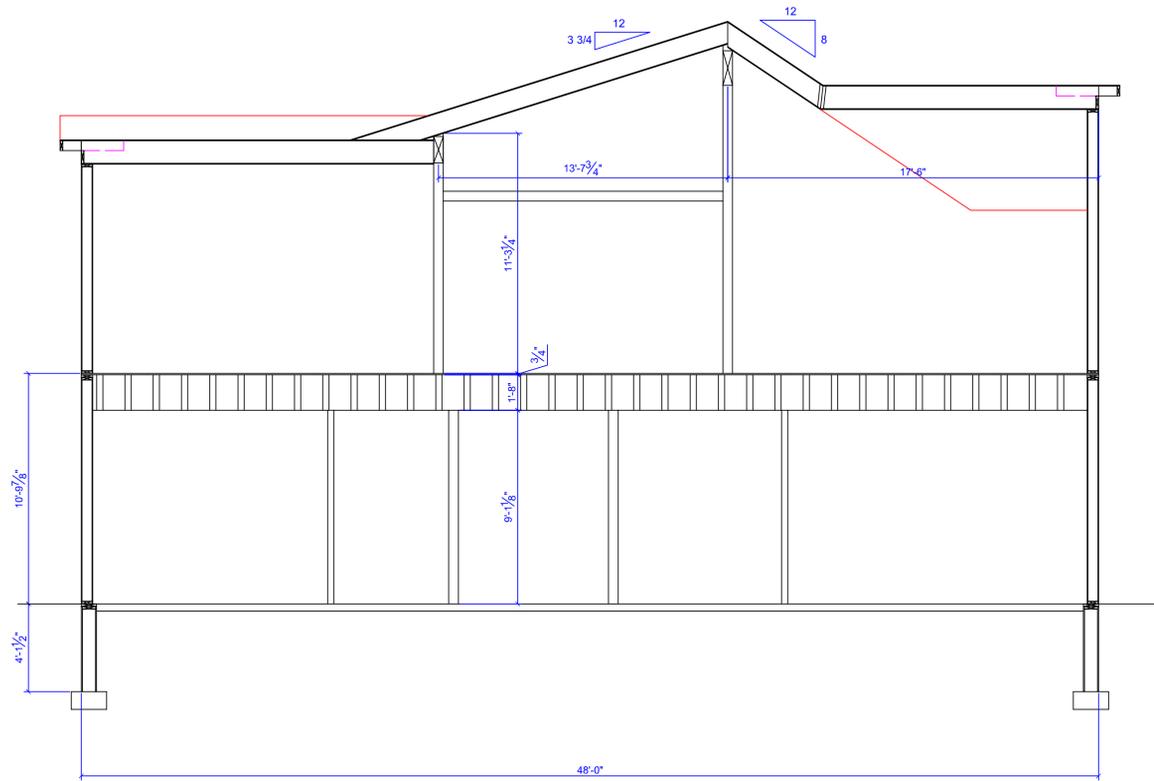


SECTION THRU UNITS 1 AND 2 MASTER BEDROOMS

SCALE: 1/4" = 1'-0"

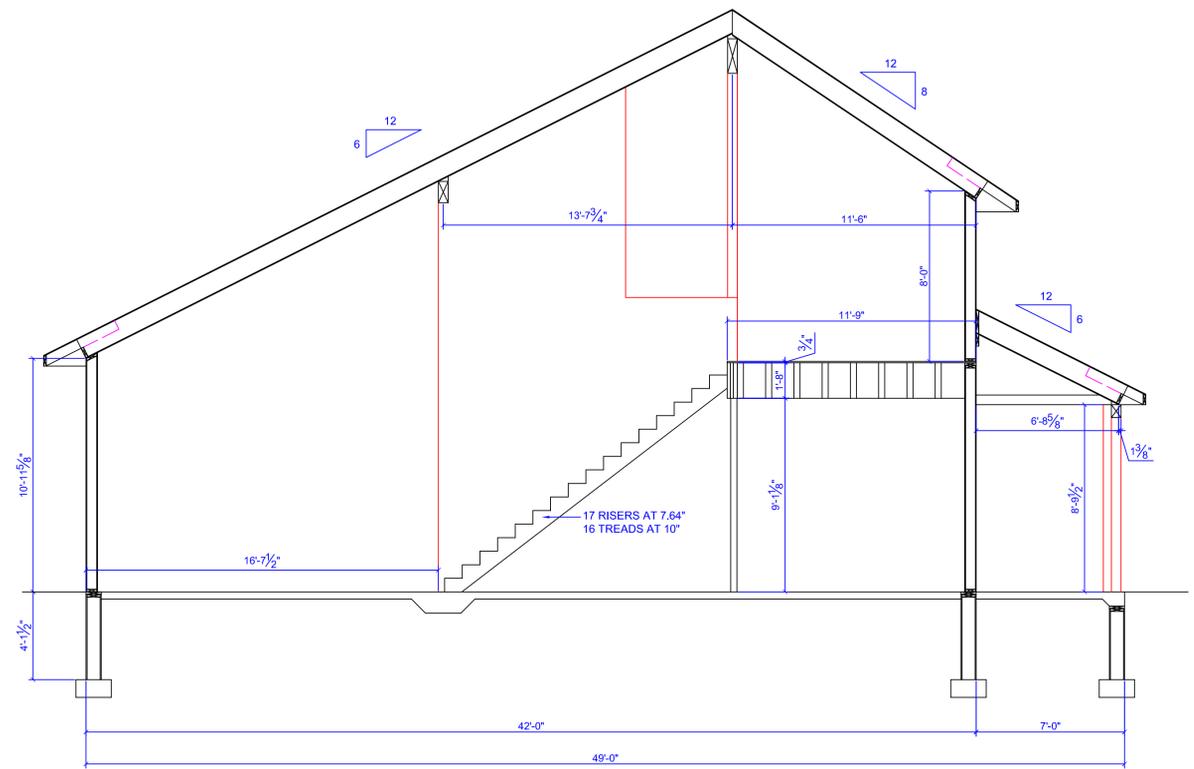
2X4 PARTY WALL W/  
1" AIRSPACE  
BETWEEN STUDS  
AND ONE LAYER OF  
5/8" FIRE RATED  
SHEETROCK ON  
EACH SIDE OF WALL  
(TYP)

<b>WEGNER DESIGN</b>		MARSHALL, MN (507) 828-3823
KAREN OWEN DUPLEX MARSHALL, MN		DRAWN: 3-23-24 KW
		REVISED:
UNIT 1 GARAGE:	579 SF	<b>A6</b>
UNIT 1 MAIN LEVEL:	1542 SF	
UNIT 1 UPPER LEVEL:	1387 SF	
UNIT 1 TOTAL AREA:	2929 SF	
UNIT 2 GARAGE:	441 SF	
UNIT 2 MAIN LEVEL:	827 SF	
UNIT 2 UPPER LEVEL:	1161 SF	
UNIT 2 TOTAL AREA:	1988 SF	
TOTAL FINISHED AREA:	4917 SF	
DISCLAIMER: EVERY ATTEMPT HAS BEEN MADE TO CREATE AN ACCURATE PLAN. WEGNER DESIGN IS NOT RESPONSIBLE FOR ERRORS OR OMISSIONS.		



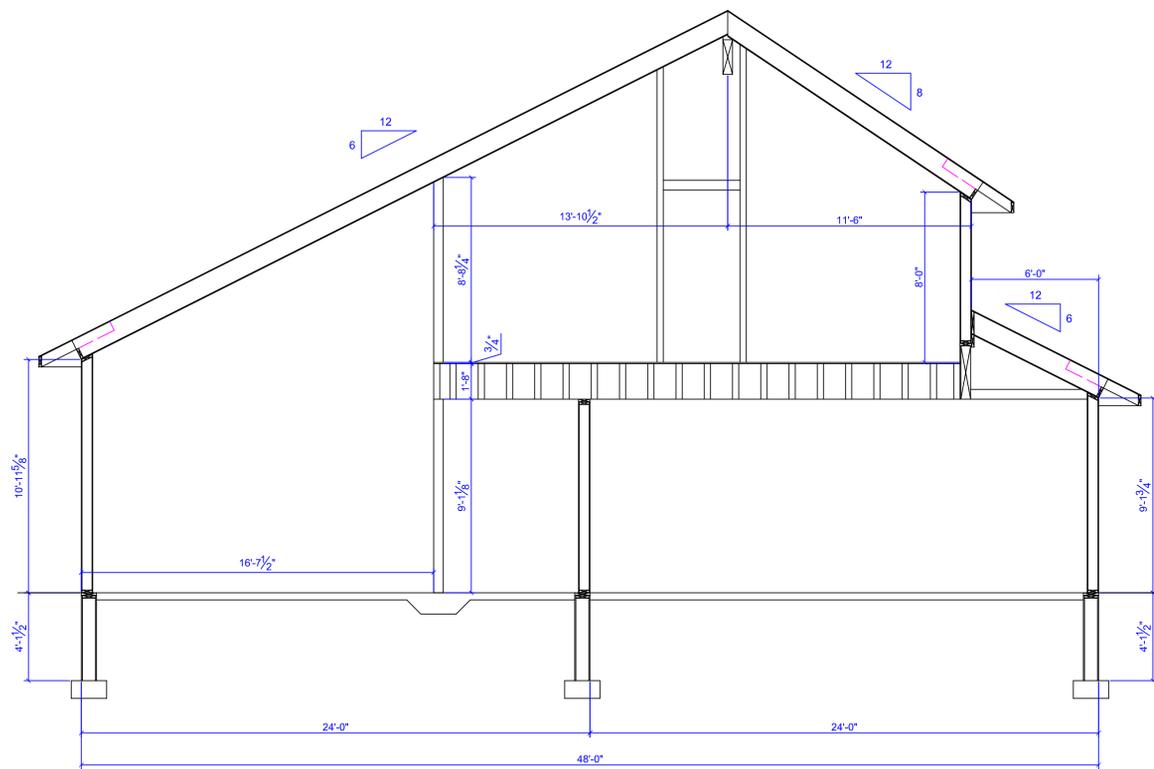
SECTION THRU UNIT 1 MASTER BEDROOM WING

SCALE: 1/4" = 1'-0"



SECTION THRU UNIT 1 STAIRS AND LIVING ROOM

SCALE: 1/4" = 1'-0"



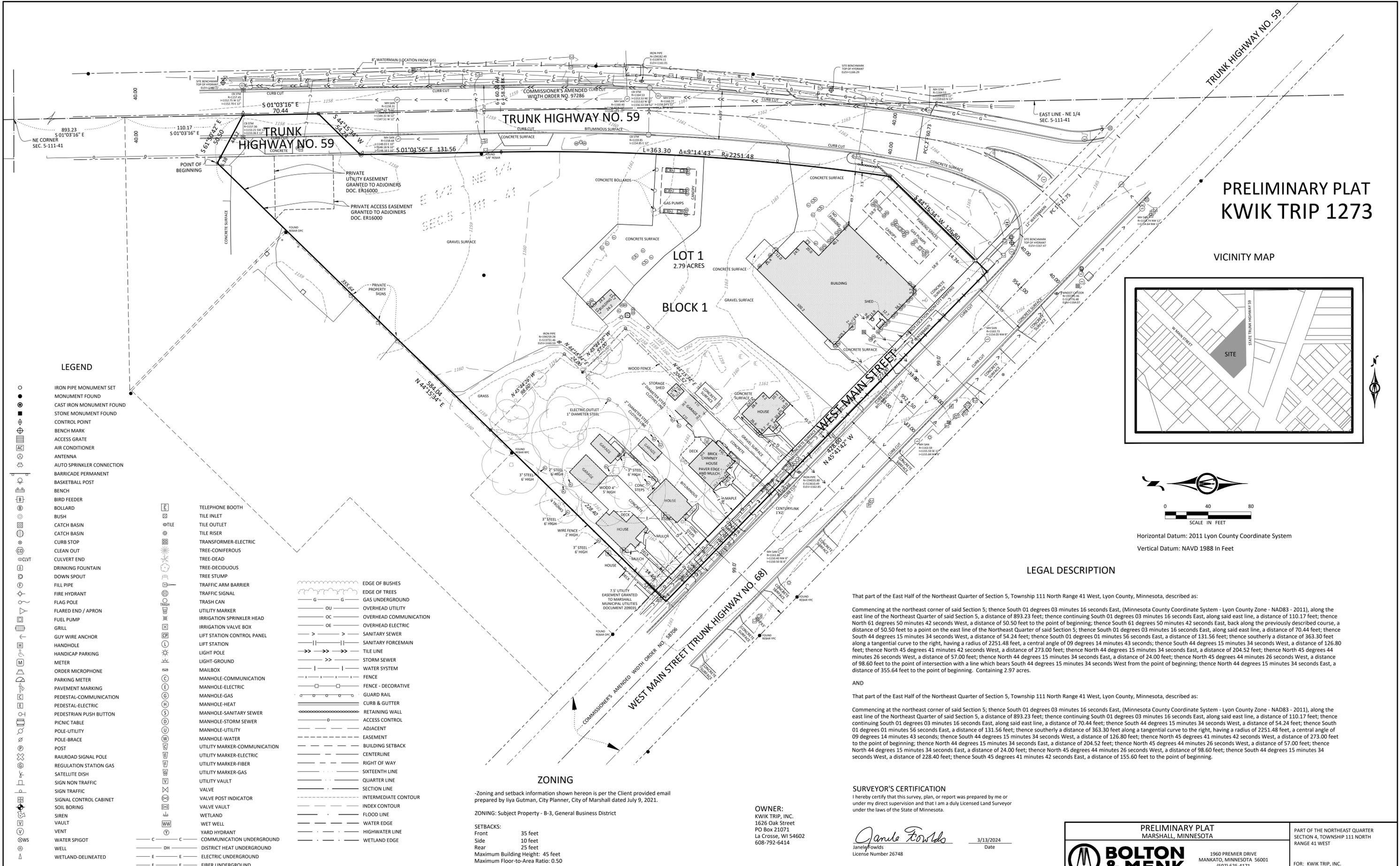
SECTION THRU UNIT 1 GARAGE AND KITCHEN

SCALE: 1/4" = 1'-0"

<b>WEGNER DESIGN</b>		MARSHALL, MN (507) 828-3823
KAREN OWEN DUPLEX MARSHALL, MN		DRAWN: 3-23-24 KW
		REVISED:
UNIT 1 GARAGE:	579 SF	<b>A7</b>
UNIT 1 MAIN LEVEL:	1542 SF	
UNIT 1 UPPER LEVEL:	1387 SF	
UNIT 1 TOTAL AREA:	2929 SF	
UNIT 2 GARAGE:	441 SF	
UNIT 2 MAIN LEVEL:	827 SF	
UNIT 2 UPPER LEVEL:	1161 SF	
UNIT 2 TOTAL AREA:	1988 SF	
TOTAL FINISHED AREA:	4917 SF	
DISCLAIMER: EVERY ATTEMPT HAS BEEN MADE TO CREATE AN ACCURATE PLAN. WEGNER DESIGN IS NOT RESPONSIBLE FOR ERRORS OR OMISSIONS.		

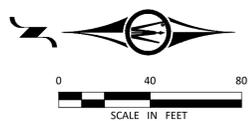
**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Presenter:</b>	Jason Anderson
<b>Meeting Date:</b>	Wednesday, April 10, 2024
<b>Category:</b>	PUBLIC HEARING
<b>Type:</b>	ACTION
<b>Subject:</b>	Preliminary Plat of Kwik Trip 1273
<b>Background Information:</b>	<p>Attached please find a copy of the Preliminary Plat of Kwik Trip 1273.</p> <p>Kwik Trip has purchased and combined numerous parcels at the corner of West Main Street/Trunk Highway 68 and N. US HWY 59 with the intent of building a new gas station and convenience store at this location. The purpose of the plat here is to combine all parcels into one and to ensure that all property issues are addressed prior to building on the site.</p> <p>Attached please find a copy of the Engineer’s Report of Preliminary Plat Review. Copies of the proposed subdivision has been sent to the local utility companies for their review and comments.</p> <p>A copy of the Final Plat is also attached for your information only.</p>
<b>Fiscal Impact:</b>	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.
<b>Alternative/ Variations:</b>	No alternative actions recommended.
<b>Recommendations:</b>	<p><u>Recommendation No. 1</u> Close public hearing.</p> <p><u>Recommendation No. 2</u> Recommend approval of the preliminary plat of Kwik Trip 1273 to the City Council, subject to utility companies review and recommendations.</p>



# PRELIMINARY PLAT KWIK TRIP 1273

VICINITY MAP



Horizontal Datum: 2011 Lyon County Coordinate System  
Vertical Datum: NAVD 1988 In Feet

## LEGEND

- |   |                           |   |                           |
|---|---------------------------|---|---------------------------|
| ○ | IRON PIPE MONUMENT SET    | Ⓜ | TELEPHONE BOOTH           |
| ● | MONUMENT FOUND            | Ⓝ | TILE INLET                |
| ⦿ | CAST IRON MONUMENT FOUND  | Ⓞ | TILE OUTLET               |
| ⦿ | STONE MONUMENT FOUND      | Ⓟ | TILE RISER                |
| ⦿ | CONTROL POINT             | Ⓠ | TRANSFORMER-ELECTRIC      |
| ⦿ | BENCH MARK                | Ⓡ | TREE-CONIFEROUS           |
| ⦿ | ACCESS GRATE              | Ⓢ | TREE-DEAD                 |
| ⦿ | AIR CONDITIONER           | Ⓣ | TREE-DECIDUOUS            |
| ⦿ | ANTENNA                   | Ⓤ | TREE STUMP                |
| ⦿ | AUTO SPRINKLER CONNECTION | Ⓥ | TRAFFIC ARM BARRIER       |
| ⦿ | BARRICADE PERMANENT       | Ⓦ | TRAFFIC SIGNAL            |
| ⦿ | BASKETBALL POST           | Ⓧ | TRASH CAN                 |
| ⦿ | BENCH                     | Ⓨ | UTILITY MARKER            |
| ⦿ | BIRD FEEDER               | Ⓩ | OVERHEAD UTILITY          |
| ⦿ | BOLLARD                   | ⓛ | OVERHEAD COMMUNICATION    |
| ⦿ | BUSH                      | Ⓧ | OVERHEAD ELECTRIC         |
| ⦿ | CATCH BASIN               | Ⓨ | SANITARY SEWER            |
| ⦿ | CATCH BASIN               | Ⓩ | SANITARY FORCEMAIN        |
| ⦿ | CURB STOP                 | ⓛ | TILE LINE                 |
| ⦿ | CLEAN OUT                 | Ⓧ | STORM SEWER               |
| ⦿ | CULVERT END               | Ⓨ | WATER SYSTEM              |
| ⦿ | DRINKING FOUNTAIN         | Ⓩ | FENCE                     |
| ⦿ | DOWN SPOUT                | ⓛ | FENCE - DECORATIVE        |
| ⦿ | FILL PIPE                 | Ⓧ | GUARD RAIL                |
| ⦿ | FIRE HYDRANT              | Ⓨ | CURB & GUTTER             |
| ⦿ | FLAG POLE                 | Ⓩ | RETAINING WALL            |
| ⦿ | FLARED END / APRON        | ⓛ | ACCESS CONTROL            |
| ⦿ | FUEL PUMP                 | Ⓧ | ADJACENT                  |
| ⦿ | GRILL                     | Ⓨ | EASEMENT                  |
| ⦿ | GUY WIRE ANCHOR           | Ⓩ | BUILDING SETBACK          |
| ⦿ | HANDHOLE                  | ⓛ | CENTERLINE                |
| ⦿ | HANDICAP PARKING          | Ⓧ | RIGHT OF WAY              |
| ⦿ | METER                     | Ⓨ | SIXTEENTH LINE            |
| ⦿ | ORDER MICROPHONE          | Ⓩ | QUARTER LINE              |
| ⦿ | PARKING METER             | ⓛ | SECTION LINE              |
| ⦿ | PAVEMENT MARKING          | Ⓧ | INTERMEDIATE CONTOUR      |
| ⦿ | PEDESTAL-COMMUNICATION    | Ⓨ | INDEX CONTOUR             |
| ⦿ | PEDESTAL-ELECTRIC         | Ⓩ | FLOOD LINE                |
| ⦿ | PEDESTRIAN PUSH BUTTON    | ⓛ | WATER EDGE                |
| ⦿ | PICNIC TABLE              | Ⓧ | HIGHWATER LINE            |
| ⦿ | POLE-UTILITY              | Ⓨ | WETLAND                   |
| ⦿ | POLE-BRACE                | Ⓩ | WET WELL                  |
| ⦿ | POST                      | ⓛ | YARD HYDRANT              |
| ⦿ | RAILROAD SIGNAL POLE      | Ⓧ | COMMUNICATION UNDERGROUND |
| ⦿ | REGULATION STATION GAS    | Ⓨ | DISTRICT HEAT UNDERGROUND |
| ⦿ | SATELLITE DISH            | Ⓩ | ELECTRIC UNDERGROUND      |
| ⦿ | SIGN NON TRAFFIC          | ⓛ | FIBER UNDERGROUND         |
| ⦿ | SIGN TRAFFIC              | Ⓧ |                           |
| ⦿ | SIGNAL CONTROL CABINET    | Ⓨ |                           |
| ⦿ | SOIL BORING               | Ⓩ |                           |
| ⦿ | SIREN                     | ⓛ |                           |
| ⦿ | VAULT                     | Ⓧ |                           |
| ⦿ | VENT                      | Ⓨ |                           |
| ⦿ | WATER SPIGOT              | Ⓩ |                           |
| ⦿ | WELL                      | ⓛ |                           |
| ⦿ | WETLAND-DELINEATED        | Ⓧ |                           |

- |               |                           |
|---------------|---------------------------|
| — G — G —     | EDGE OF BUSHES            |
| — OU —        | EDGE OF TREES             |
| — OC —        | GAS UNDERGROUND           |
| — OE —        | OVERHEAD UTILITY          |
| — OE —        | OVERHEAD COMMUNICATION    |
| — OE —        | OVERHEAD ELECTRIC         |
| — > —         | SANITARY SEWER            |
| —    —        | SANITARY FORCEMAIN        |
| —    —        | TILE LINE                 |
| — >> —        | STORM SEWER               |
| —   —   —     | WATER SYSTEM              |
| — x — x — x — | FENCE                     |
| — □ —         | FENCE - DECORATIVE        |
| — ○ — ○ —     | GUARD RAIL                |
| — ○ — ○ —     | CURB & GUTTER             |
| — ○ — ○ —     | RETAINING WALL            |
| — ○ — ○ —     | ACCESS CONTROL            |
| — ○ — ○ —     | ADJACENT                  |
| — ○ — ○ —     | EASEMENT                  |
| — ○ — ○ —     | BUILDING SETBACK          |
| — ○ — ○ —     | CENTERLINE                |
| — ○ — ○ —     | RIGHT OF WAY              |
| — ○ — ○ —     | SIXTEENTH LINE            |
| — ○ — ○ —     | QUARTER LINE              |
| — ○ — ○ —     | SECTION LINE              |
| — ○ — ○ —     | INTERMEDIATE CONTOUR      |
| — ○ — ○ —     | INDEX CONTOUR             |
| — ○ — ○ —     | FLOOD LINE                |
| — ○ — ○ —     | WATER EDGE                |
| — ○ — ○ —     | HIGHWATER LINE            |
| — ○ — ○ —     | WETLAND                   |
| — ○ — ○ —     | WET WELL                  |
| — ○ — ○ —     | YARD HYDRANT              |
| — ○ — ○ —     | COMMUNICATION UNDERGROUND |
| — ○ — ○ —     | DISTRICT HEAT UNDERGROUND |
| — ○ — ○ —     | ELECTRIC UNDERGROUND      |
| — ○ — ○ —     | FIBER UNDERGROUND         |

## ZONING

-Zoning and setback information shown hereon is per the Client provided email prepared by Ilya Gutman, City Planner, City of Marshall dated July 9, 2021.

ZONING: Subject Property - B-3, General Business District

SETBACKS:  
 Front 35 feet  
 Side 10 feet  
 Rear 25 feet  
 Maximum Building Height: 45 feet  
 Maximum Floor-to-Area Ratio: 0.50

OWNER:  
 KWIK TRIP, INC.  
 1626 Oak Street  
 PO Box 21071  
 La Crosse, WI 54602  
 608-792-6414

## 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.

*Janele Fowlds*  
 Janele Fowlds  
 License Number 26748  
 3/13/2024  
 Date

## LEGAL DESCRIPTION

That part of the East Half of the Northeast Quarter of Section 5, Township 111 North Range 41 West, Lyon County, Minnesota, described as:

Commencing at the northeast corner of said Section 5; thence South 01 degrees 03 minutes 16 seconds East, (Minnesota County Coordinate System - Lyon County Zone - NAD83 - 2011), along the east line of the Northeast Quarter of said Section 5, a distance of 893.23 feet; thence continuing South 01 degrees 03 minutes 16 seconds East, along said east line, a distance of 110.17 feet; thence North 61 degrees 50 minutes 42 seconds West, a distance of 50.50 feet to the point of beginning; thence South 61 degrees 50 minutes 42 seconds East, back along the previously described course, a distance of 50.50 feet to a point on the east line of the Northeast Quarter of said Section 5; thence South 01 degrees 03 minutes 16 seconds East, along said east line, a distance of 70.44 feet; thence South 44 degrees 15 minutes 34 seconds West, a distance of 54.24 feet; thence South 01 degrees 03 minutes 16 seconds East, a distance of 131.56 feet; thence southerly a distance of 363.30 feet along a tangential curve to the right, having a radius of 2251.48 feet, a central angle of 09 degrees 14 minutes 43 seconds; thence South 44 degrees 15 minutes 34 seconds West, a distance of 126.80 feet; thence North 45 degrees 41 minutes 42 seconds West, a distance of 273.00 feet; thence North 44 degrees 15 minutes 34 seconds East, a distance of 204.52 feet; thence North 45 degrees 44 minutes 26 seconds West, a distance of 98.60 feet to the point of intersection with a line which bears South 44 degrees 15 minutes 34 seconds West from the point of beginning; thence North 44 degrees 15 minutes 34 seconds East, a distance of 355.64 feet to the point of beginning. Containing 2.97 acres.

AND

That part of the East Half of the Northeast Quarter of Section 5, Township 111 North Range 41 West, Lyon County, Minnesota, described as:

Commencing at the northeast corner of said Section 5; thence South 01 degrees 03 minutes 16 seconds East, (Minnesota County Coordinate System - Lyon County Zone - NAD83 - 2011), along the east line of the Northeast Quarter of said Section 5, a distance of 893.23 feet; thence continuing South 01 degrees 03 minutes 16 seconds East, along said east line, a distance of 110.17 feet; thence continuing South 01 degrees 03 minutes 16 seconds East, along said east line, a distance of 70.44 feet; thence South 44 degrees 15 minutes 34 seconds West, a distance of 54.24 feet; thence South 01 degrees 03 minutes 16 seconds East, a distance of 131.56 feet; thence southerly a distance of 363.30 feet along a tangential curve to the right, having a radius of 2251.48 feet, a central angle of 09 degrees 14 minutes 43 seconds; thence South 44 degrees 15 minutes 34 seconds West, a distance of 126.80 feet; thence North 45 degrees 41 minutes 42 seconds West, a distance of 273.00 feet to the point of beginning; thence North 44 degrees 15 minutes 34 seconds West, a distance of 204.52 feet; thence North 45 degrees 44 minutes 26 seconds West, a distance of 98.60 feet; thence North 44 degrees 15 minutes 34 seconds East, a distance of 24.00 feet; thence North 45 degrees 44 minutes 26 seconds West, a distance of 98.60 feet; thence South 44 degrees 15 minutes 34 seconds West, a distance of 228.40 feet; thence South 45 degrees 41 minutes 42 seconds East, a distance of 155.60 feet to the point of beginning.

PRELIMINARY PLAT  
 MARSHALL, MINNESOTA

1960 PREMIER DRIVE  
 MANKATO, MINNESOTA 56001  
 (507) 625-4171

PART OF THE NORTHEAST QUARTER  
 SECTION 4, TOWNSHIP 111 NORTH  
 RANGE 41 WEST

FOR: KWIK TRIP, INC.  
 STORE 1273

**ENGINEER'S REPORT  
 PRELIMINARY PLAT REVIEW**

Subdivision Name: Kwik Trip 1273

Quarter NE<sup>1</sup>/<sub>4</sub> Section 5 Township 111N Range 41W

Owner's Name: Kwik Trip, Inc.

Surveyor: Janele Fowlds Reg. No. 26748

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			

<b>Sec. 66-54. Information required. (1) Preliminary subdivision plat.</b>		<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Comments</b>
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		To be included in Final Plat.

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	Submitted with final building plans through building permit process
	2. Drainage flow facility.			X	
b.	Utility plans			X	

**CITY ENGINEER'S RECOMMENDATIONS:**  
 Approval

**DATE RECEIVED:** March 18, 2024

**DATE REVIEWED:** April 3, 2024

**PLANNING COMMISSION REVIEW DATE:** April 10, 2024



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

# KWIK TRIP 1273

### INSTRUMENT OF DEDICATION

Know all persons by these presents: That Kwik Trip, Inc., a Wisconsin corporation, fee owner of the following described property situated in the County of Lyon, State of Minnesota:

The Land referred to herein below is situated in the County of Lyon, State of MN, and is described as follows:

That part of the East Half of the Northeast Quarter of Section 5, Township 111 North Range 41 West, Lyon County, Minnesota, described as:

Commencing at the northeast corner of said Section 5; thence South 01 degrees 03 minutes 16 seconds East, (Minnesota County Coordinate System - Lyon County Zone - NAD83 - 2011), along the east line of the Northeast Quarter of said Section 5, a distance of 893.23 feet; thence continuing South 01 degrees 03 minutes 16 seconds East, along said east line, a distance of 110.17 feet; thence North 61 degrees 50 minutes 42 seconds West, a distance of 50.50 feet to the point of beginning; thence South 61 degrees 50 minutes 42 seconds East, back along the previously described course, a distance of 50.50 feet to a point on the east line of the Northeast Quarter of said Section 5; thence South 01 degrees 03 minutes 16 seconds East, along said east line, a distance of 70.44 feet; thence South 44 degrees 15 minutes 34 seconds West, a distance of 54.24 feet; thence South 01 degrees 01 minutes 56 seconds East, a distance of 131.56 feet; thence southerly a distance of 363.30 feet along a tangential curve to the right, having a radius of 2251.48 feet, a central angle of 09 degrees 14 minutes 43 seconds; thence South 44 degrees 15 minutes 34 seconds West, a distance of 126.80 feet; thence North 45 degrees 41 minutes 42 seconds West, a distance of 273.00 feet; thence North 44 degrees 15 minutes 34 seconds East, a distance of 204.52 feet; thence North 45 degrees 44 minutes 26 seconds West, a distance of 57.00 feet; thence North 44 degrees 15 minutes 34 seconds East, a distance of 24.00 feet; thence North 45 degrees 44 minutes 26 seconds West, a distance of 98.60 feet to the point of intersection with a line which bears South 44 degrees 15 minutes 34 seconds West from the point of beginning; thence North 44 degrees 15 minutes 34 seconds East, a distance of 355.64 feet to the point of beginning.

AND

That part of the East Half of the Northeast Quarter of Section 5, Township 111 North Range 41 West, Lyon County, Minnesota, described as:

Commencing at the northeast corner of said Section 5; thence South 01 degrees 03 minutes 16 seconds East, (Minnesota County Coordinate System - Lyon County Zone - NAD83 - 2011), along the east line of the Northeast Quarter of said Section 5, a distance of 893.23 feet; thence continuing South 01 degrees 03 minutes 16 seconds East, along said east line, a distance of 110.17 feet; thence continuing South 01 degrees 03 minutes 16 seconds East, along said east line, a distance of 70.44 feet; thence South 44 degrees 15 minutes 34 seconds West, a distance of 54.24 feet; thence South 01 degrees 01 minutes 56 seconds East, a distance of 131.56 feet; thence southerly a distance of 363.30 feet along a tangential curve to the right, having a radius of 2251.48 feet, a central angle of 09 degrees 14 minutes 43 seconds; thence South 44 degrees 15 minutes 34 seconds West, a distance of 126.80 feet; thence North 45 degrees 41 minutes 42 seconds West, a distance of 273.00 feet to the point of beginning; thence North 44 degrees 15 minutes 34 seconds East, a distance of 204.52 feet; thence North 45 degrees 44 minutes 26 seconds West, a distance of 57.00 feet; thence North 44 degrees 15 minutes 34 seconds East, a distance of 24.00 feet; thence North 45 degrees 44 minutes 26 seconds West, a distance of 98.60 feet; thence South 44 degrees 15 minutes 34 seconds West, a distance of 228.40 feet; thence South 45 degrees 41 minutes 42 seconds East, a distance of 155.60 feet to the point of beginning.

Has caused the same to be surveyed and platted as KWIK TRIP 1273 and does hereby dedicate to the public for the public use the public ways and the utility easements as created by this plat.

In witness whereof, said Kwik Trip, Inc., a Wisconsin corporation, has caused these presents to be signed by its proper officer this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
\_\_\_\_\_,

### NOTARY CERTIFICATE

State of \_\_\_\_\_

County of \_\_\_\_\_

The foregoing instrument was acknowledged before me, this \_\_\_\_ day of \_\_\_\_\_, 2024 by \_\_\_\_\_, \_\_\_\_\_ of Kwik Trip, Inc., a Wisconsin corporation on behalf of the corporation.

\_\_\_\_\_  
\_\_\_\_\_, Notary Public,

State of \_\_\_\_\_

My Commission Expires \_\_\_\_\_

### SURVEYOR'S CERTIFICATE

I, Janelle Fowlds, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Janelle Fowlds, Land Surveyor  
Minnesota License Number 26748

### NOTARY'S CERTIFICATE

This instrument was acknowledged before me on \_\_\_\_ day of \_\_\_\_\_, 2024, by Janelle Fowlds, Land Surveyor, Minnesota License No. 26748.

\_\_\_\_\_  
Nathan P Myhra, Notary Public  
Notary Public-Minnesota  
My Commission Expires Jan. 31, 2028

### MARSHALL CITY COUNCIL

This plat of KWIK TRIP 1273 was approved and accepted by the City Council of Marshall, Minnesota at a regular meeting thereof held this \_\_\_\_ day of \_\_\_\_\_, 2024, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2. and City Ordinances and that this plat has been submitted to and written comments have been received from the Commissioner of Transportation.

City Council, City of Marshall

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

### COUNTY AUDITOR AND TREASURER

I hereby certify that the current and delinquent taxes on the lands described within are paid and the transfer is entered this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Auditor/Treasurer, Lyon County

### COUNTY RECORDER

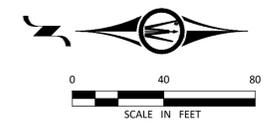
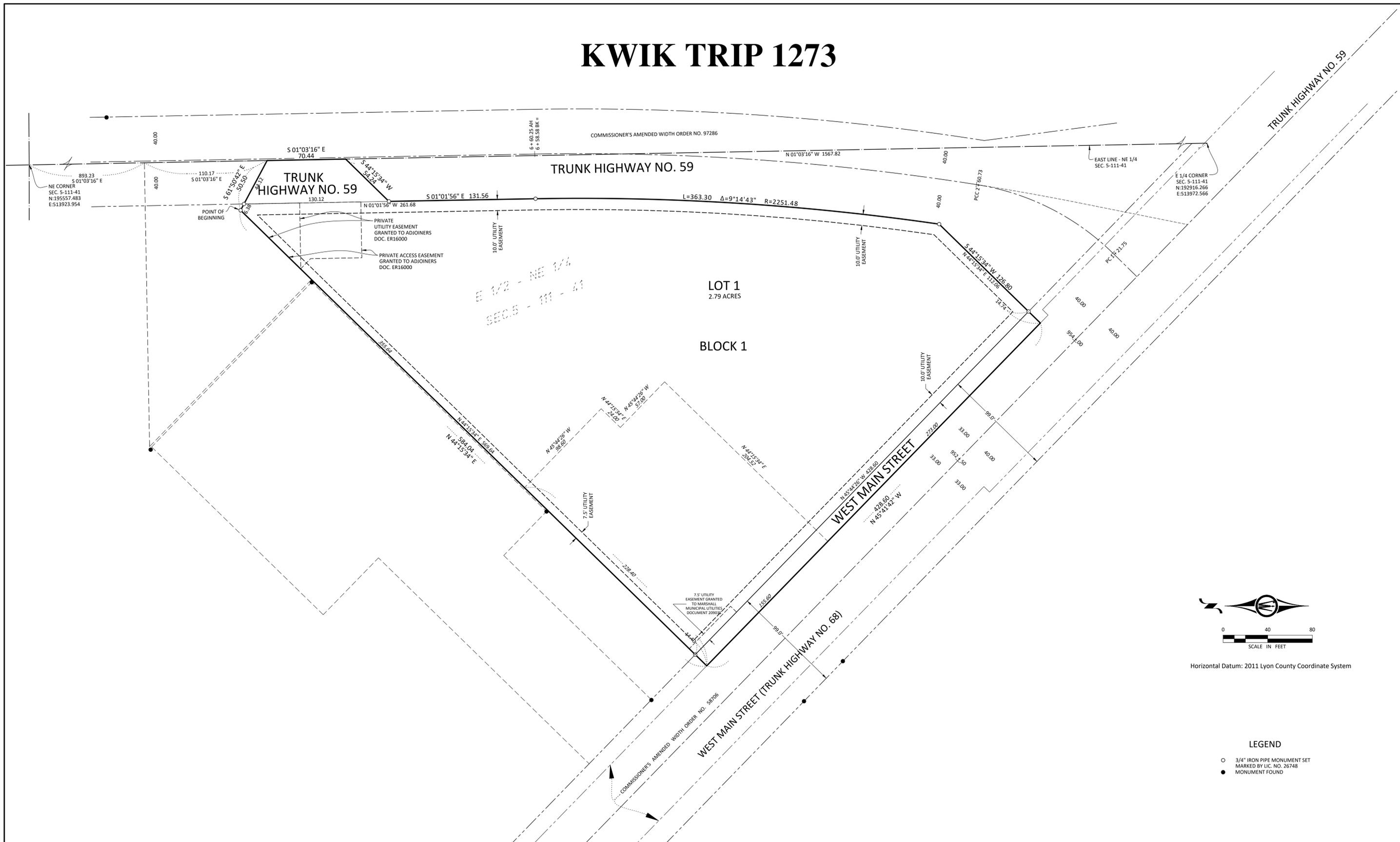
I hereby certify that this plat was filed in this office this \_\_\_\_ day of \_\_\_\_\_, 2024, \_\_\_\_ O' Clock \_\_\_\_M. as Document Number \_\_\_\_\_, Envelope Number \_\_\_\_\_.

\_\_\_\_\_  
Recorder, Lyon County



VICINITY MAP  
NOT TO SCALE

# KWIK TRIP 1273



Horizontal Datum: 2011 Lyon County Coordinate System

### LEGEND

- 3/4" IRON PIPE MONUMENT SET MARKED BY LIC. NO. 26748
- MONUMENT FOUND



**CITY OF MARSHALL  
AGENDA ITEM REPORT  
PC 4/10/24**

<b>Presenter:</b>	Ilya Gutman
<b>Meeting Date:</b>	Wednesday, April 10, 2024
<b>Category:</b>	PUBLIC HEARING
<b>Type:</b>	ACTION
<b>Subject:</b>	Ordinance amending Section 86-97 One Family Residence District
<b>Background Information:</b>	The City has adopted a new Comprehensive Plan last year; the Plan redefines several zoning districts and suggests new ones. City staff has been working to implement the new Plan and this ordinance change is a part of that work. Additionally, with the new Rental Ordinance recently adopted, staff do not see a reason to limit the number of unrelated adults living in a rented single-family house, so that provision is removed. A few other changes also relate to recently passed ordinance changes.
<b>Fiscal Impact:</b>	None.
<b>Alternative/ Variations:</b>	None recommended.
<b>Recommendations:</b>	Close public hearing.  Staff recommends the recommendation to the City Council approving the revisions amending Section 86-97 One family residence district as recommended by staff.

Sec. 86-97. - R-1 ~~low density one-family~~ residence district.

(a) *Intent; scope.* This section applies to the R-1 ~~low density one-family~~ residence district. This R-1 district is intended to preserve and enhance low density (less than 6 units per acre) residential areas ~~for one-family detached dwellings.~~

(b) *Permitted uses.* The following uses shall be permitted in the R-1 low density residence district:

~~Churches, provided that no building shall be located within 25 feet of any lot line of an abutting lot in any of the classes of residence districts.~~

One-family manufactured homes

Residential facility serving six or fewer individuals.

Day care facility serving 14 or fewer individuals.

One-family detached dwellings, ~~occupied by persons related by blood, marriage, adoption, or by three unrelated persons.~~

(c) *Permitted accessory uses.* The following uses shall be permitted accessory uses in the R-1 low density residence district:

Accessory uses customarily incidental-secondary to the uses permitted in this section, such as private vehicle garages ~~and storage sheds.~~

Accessory building complying with section 86-163, including, but not limited to, private garages, storage sheds, fallout shelters, and gazebos.

Accessory equipment complying with section 86-164, including, but not limited to, solar energy collectors and systems, playgrounds, and sports courts.

Bed and breakfast facility, provided property is registered with the City as rental.

Fallout shelters.

Keeping ~~of not more than two~~ boarders and/or roomers by a resident family, provided property is registered with the City as rental.

Private swimming pool and hot tub when completely enclosed within a non-climbable fence five feet high with openings no greater than four inches in any dimension and self-closing and self-locking gate. Swimming pools exempt from the building permit requirements as defined in the state building code and hot tubs with latchable covers do not need to be enclosed.

~~Private solar energy collectors and systems. Offices of persons and home occupations meeting the specific conditions of section 86-50, provided an interim use permit is obtained when required.~~

Private amateur radio towers and antennas complying with division 6.

Private gardens complying with Section 86-247 (a) (5).

(d) *Conditional uses.* All conditional use permits for the R-1 district may only be issued if the proposed use meets the specific requirements of this section and also meets the supplemental regulations as outlined in article VI and meets the eligibility for conditional use permits as specified in article II, division 2. The following uses may be allowed in the R-1 low density district by conditional use permit:

~~Bed and breakfast facility meeting the conditions of section 86-51.~~

Fire stations, community center buildings, public libraries, ~~museums, art galleries, post office, greenhouses (excluding commercial),~~ and essential public utility structures servicing the surrounding area.

~~Golf course and clubhouse, country club, public swimming pool, private swimming pool serving more than one family, provided that no principal structure shall be located within 25 feet of any lot line of an abutting lot in any of the classes of residence districts.~~

~~Keeping of three or more roomers or boarders.~~

~~Offices of persons and home occupations in existing structures when they meet the specific conditions of section 86-50 except motor vehicle repair, tobacco sales, sales of alcoholic beverages, adult entertainment, adult book or video sales, motor vehicle or machinery sales, or restaurants are not permitted.~~

One-family manufactured homes.

Other residential uses of the same general character as listed in subsection (b).

Parks and recreational areas, public or private.

Religious institutions as defined in the State Statutes.

~~Residential facility serving more than six individuals.~~

~~Day care facility serving more than 14 individuals.~~

School, public or private, kindergarten through grade 12.

Two-family dwellings under single ownership, joint ownership or tenants in common.

Two-family dwellings under split ownership under the following conditions:

- (1) The dwellings have separate utility service lines to each unit.
- (2) The owners execute and record a common maintenance agreement containing covenants as to uniformity of exterior appearance of the dwellings.
- (3) Proper separation of units, occurring along the lot line, exists as provided by the building code.
- (4) Such dwellings comply with all yard regulations for single-family dwellings, except side yard regulations between the dwelling units.
- (5) The dwelling location on the lot be compatible with the neighborhood.
- (6) Landscaping, fencing, grading, exterior lighting, and driveway conform to the surrounding neighborhood.
- (7) Any accessory building is compatible with the dwellings and the surrounding neighborhood.
- (8) The dwellings shall be a maximum height of two stories.
- (9) Not more than 50 percent of the lot area shall be occupied by buildings.

~~(10) No unit shall be eligible under this [use] unless the division of the dwelling occurs along the lot lines.~~

(e) *Height and yard regulations.* Height, yard, area and lot width and depth regulations for the R-1 district are as follows:

- (1) *Height regulations.* No building hereafter erected or altered shall exceed 3 stories or 30 feet in height.

(2) *Front yard regulations.*

a. There shall be a front yard having a depth of not less than 25 feet except as otherwise provided in this section.

b. There shall be a front yard of not less than 35 feet on a lot or plot that abuts a thoroughfare as shown on the [adopted city zoning map thoroughfares plan](#).

~~c. Where a lot or plot is located at the intersection of two or more streets there shall be a front yard on each street side of each corner lot.~~

~~d. No accessory buildings shall project beyond the front yard line of any street.~~

(3) *Side yard regulations.* There shall be a side yard on each side of a building, each having a width of not less than five feet, [except for non-residential uses, the width shall be no less than 20 feet if abutting another low-density residence district lot.](#)

(4) *Rear yard regulations.* There shall be a rear yard having a depth of not less than 25 percent of the lot or plot depth, or 18 percent of the lot or plot depth for a [two-street](#) corner lot.

(5) *Lot or plot area regulations.*

a. Every lot or plot ~~upon which a one-family dwelling is erected~~ shall contain an area of not less than 8,000 square feet.

b. Every lot or plot upon which a two-family dwelling is erected or altered shall contain an area of not less than 10,000 square feet.

(6) *Lot width and depth regulations.* Every lot or plot ~~on which a one-family dwelling or a two-family dwelling is erected~~ shall have a minimum width of not less than 70 feet at the building setback line, and a minimum depth of not less than 110 feet.

(f) *Supplemental regulations.* Additional regulations in the R-1 [low density](#) residence district are set forth in article VI.

(Code 1976, § 11.07; Ord. No. 407 2nd series, § 1, 12-21-1998; Ord. No. 443, § 3, 11-6-00; Ord. No. 529 2nd series, § 1, 7-5-2005; Ord. No. 590 2nd series, § 1, 2-19-2008; Ord. No. 699 2nd series, § 1, 9-9-2015; Ord. No. 712 2nd series, § 1, 9-13-2016; Ord. No. 732 2nd Series, § 1, 1-8-2019)



**CITY OF MARSHALL  
AGENDA ITEM REPORT  
PC 4/10/24**

<b>Presenter:</b>	Ilya Gutman
<b>Meeting Date:</b>	Wednesday, April 10, 2024
<b>Category:</b>	PUBLIC HEARING
<b>Type:</b>	ACTION
<b>Subject:</b>	Ordinance repealing Section 86-51 Bed and Breakfast
<b>Background Information:</b>	The City has recently adopted new Rental Ordinance covers Bed and Breakfast facilities as short term rentals. It also lists specific conditions applicable to such short-term rentals, so staff do not see a reason to keep a separate section related to Bed and Breakfast facilities or require an interim use permit for them.
<b>Fiscal Impact:</b>	None.
<b>Alternative/ Variations:</b>	None recommended.
<b>Recommendations:</b>	Close public hearing.  Staff recommends the recommendation to the City Council approving repealing Section 86-51 Bed and Breakfast as recommended by staff.

## Section 86-51 Bed And Breakfast

- (a) ~~Bed and breakfast shall be an interim use in agricultural and all residential districts~~
- (b) ~~Bed and breakfast facilities shall at a minimum meet the following conditions:~~
- ~~(1) The facility shall comply with all health, fire, safety rules and other regulations of the state and the city, including current Building Code and City Ordinance, and all required licenses shall be made available to the City staff upon request. This condition shall be confirmed by City inspection prior to a public hearing.~~
  - ~~(2) The maximum number of bedrooms shall be established for each facility and no more than four bedrooms shall be available to guests. No more than two persons shall be staying in each bedroom.~~
  - ~~(3) Off-street parking shall be provided and screened from adjacent properties as required by the parking Ordinance. No more than two guest parking on the street shall be permitted.~~
  - ~~(4) Exterior appearance and lighting shall be compatible with the neighborhood.~~
  - ~~(5) Identification signs shall be limited to one six-square-foot nameplate sign mounted on the building near the main entrance door.~~
  - ~~(6) The owners shall operate and permanently occupy such facilities.~~
  - ~~(7) No food or beverage service shall be provided to anyone other than transient guests.~~
  - ~~(8) All bedrooms shall be established within and have primary entrances from the principal structure.~~
  - ~~(9) Cooking facilities shall not be permitted in the guest rooms.~~
  - ~~(10) Appropriate insurance including liability insurance shall be filed with the city clerk for a minimum amount of \$1,000,000.00.~~
  - ~~(11) Other commercial enterprises shall not be operated in conjunction with this facility without a home-occupation interim permit.~~
- (c) ~~All bed and breakfast interim use permits shall be issued for initial one-year term and may be renewed for future terms, under the same interim use procedure, provided no violations of established conditions were observed. The renewal shall be until the property is sold or transferred to another owner. If any of the interim use permit conditions are found to be violated, the permit may be revoked, or future renewal terms may be limited~~
- (d) ~~The applicant, upon making application, grants to the City upon issuing a bed and breakfast interim use permit the right to inspect the premises in which bed and breakfast is located at any time to ensure compliance with the provisions of this section and any conditions additionally imposed.~~



**CITY OF MARSHALL  
AGENDA ITEM REPORT  
PC 4/10/24**

<b>Presenter:</b>	Ilya Gutman
<b>Meeting Date:</b>	Wednesday, April 10, 2024
<b>Category:</b>	PUBLIC HEARING
<b>Type:</b>	ACTION
<b>Subject:</b>	Ordinance amending Section 86-107 General Industrial District
<b>Background Information:</b>	<p>The City has several areas outside of agricultural district that are used for agricultural activity. Currently, such uses are not listed as a permitted use in any zoning district other than Agricultural. However, it is reasonable that owners want to use open areas for some business activity prior to eventually developing it; such business activity may include growing and harvesting row crops on vacant land.</p> <p>In light of the above, it makes sense to add growing row crops as a conditional use to I-2 general industrial district, since there are large open areas within I-2 district, and this kind of activity – low labor and visitor intensive – does not contradict its objective. Staff would like to have this ordinance changed before growing season starts in the spring; this change is not related to the recently adopted Comprehensive Plan, so this section will have to be revised in the future to align it with the Plan.</p> <p>As a side note, there are some areas used for agricultural activities in the general business district, but they will be dealt with differently. In order to avoid a CUP, which stays with the property, we will utilize interim use permits issues for a year or two. Both conditional use permits, and interim use permits will come in front of the Planning Commission.</p>
<b>Fiscal Impact:</b>	None.
<b>Alternative/ Variations:</b>	None recommended.
<b>Recommendations:</b>	<p>Close public hearing.</p> <p>Staff recommends the recommendation to the City Council approving the revisions amending Section 86-107 general industrial district as recommended by staff.</p>

**Section 86-107 I-2 General Industrial District**

(a) *Intent; scope.* This section applies to the I-2 general industrial district. This I-2 district provides a location for heavier industrial and manufacturing activities, without encroachment by incompatible use areas.

(b) *Permitted uses.* The following uses shall be permitted in the I-2 industrial district:

Animal hospitals.

Auto parts and accessories sales.

Automobile and truck parking lots and garages.

Bottling establishments.

Building materials sales and storage and lumberyard.

Camera and photographic supplies manufacture.

Carpenter and cabinet shops, plumbing and heating shops, and janitorial services.

Cartage and express facilities.

Cartography, bookbinding, engraving, publishing, job printing, lithographing and copying.

Cleaning and dyeing.

Contractor's offices, shops and yards for plumbing, heating, glazing, painting, paper hanging, roofing, ventilating, air conditioning, masonry, electrical and refrigeration supplies.

Egg grading, sorting and wholesale business.

Electric light or power generating station.

Electrical and electronic products manufacture.

Electrical service shops.

Fallout shelters.

Farm equipment sales and service.

Farm, feed and seed supply stores.

Feed and seed processing.

Freight terminal.

Fuel and ice sales and storage.

Garages and storage, repair and servicing of motor vehicles.

Governmental service buildings.

Highway maintenance shops and yards.

Ice plant.

Industrial training schools.

Industrial truck and equipment sales and service shops.

Jewelry manufacture.

Kennels.

Landscaping including outside material storage.

Leather goods.

Manufacturing, processing, and associated storage, servicing and testing.

Medical, dental and optical equipment manufacture.

Mobile home and camping trailer sales.

Musical instruments manufacture.

Printing.

Public utility structure (industrial).

Railroad rights-of-way.

Rentals of industrial type equipment.

Research, experimental or testing stations.

Soft drink and bottling establishments (enclosed).

Storage or warehousing, when completely enclosed within a building.

Telephone exchange.

Trophy and award manufacturing or assembling.

Warehouses.

Water supply buildings, reservoirs, wells, elevated tanks and similar essential public utility structures.

Wholesale business and office establishments.

(c) *Permitted accessory uses.* The following uses shall be permitted accessory uses in the I-2 industry district:

All uses customarily incidental to the uses permitted in subsections (a) and (b) of this section.

Off-street parking and loading as regulated by article VI of this chapter.

Item 6. Signs, as regulated by article VI of this chapter.

Solar energy collectors and systems.

(d) *Conditional uses.* All conditional use permits for the I-2 district may only be issued if the proposed use meets the requirements of this section and also meets the general regulations as outlined in article VI and meets the eligibility for conditional use permits as specified in article II, division 2. The following uses may be allowed in the I-2 industrial district by conditional use permit:

Adult uses complying with the following regulations:

- (1) The use must be contained within a building.
- (2) No sign or exterior graphics permitted except for those written in letters of the English language.
- (3) The use is not permitted within 2,000 feet of another adult use, establishment selling beer or alcoholic beverages, school, church, any residential use, library, park, daycare facility, or residential facility, as measured from property line to property line.
- (4) This use must not be greater than 2,000 square feet in total building floor area and contained in one building on a lot, plot, or property.

Automobile and truck sales or used car lots.

Billboards.

Brewpubs, microbreweries, and breweries.

Cultivation, maintenance, and harvest of plants for the sale or other commercial use.

Day care facility serving any number of individuals.

Processing, or storage and stockpiling of sand, gravel, stone or other raw material.

Greenhouses (commercial).

Gas stations.

Hazardous chemicals (processing/storage).

Heliport.

Junkyards, wrecking yards or auto salvage yards.

Meat and butcher shops and cold storage lockers.

Meat processing plants.

Municipal or other governmental administration or service buildings, police and fire stations, and post office stations.

Other industrial uses of the same general character as listed in subsection (b).

Outdoor nurseries and tree farms.

Public service structures including power substations, gas regulator stations, sewage disposal plant, elevated tanks and water works.

Restaurants.

Truck stops.

(e) *Height, yard, area, lot width and lot coverage regulations.* Height, yard, area, lot width and lot coverage regulations in the I-2 district are as follows:

(1) *Height regulations.* No building shall hereafter be erected to exceed 75 feet in height.

(2) *Front yard regulations.*

- a. There shall be a front yard having a depth of not less than 25 feet except as otherwise provided in this section.
- b. There shall be a front yard having a depth of 35 feet on a lot or plot that abuts 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.
- c. No front yard shall be required in the downtown district.

(3) *Side yard regulations.*

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

(4) *Rear yard regulations.*

- a. 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.
- b. No rear yard shall be required in the downtown district.

(5) *Lot coverage regulations.* There are no lot coverage regulations.

(f) *General regulations.* Additional regulations in the I-2 general industrial business district are set forth in article VI of this chapter.

(Code 1976, § 11.17; Ord. No. 443, § 3, 11-6-2000; Ord. No. 590 2nd series, § 1, 2-19-2008; Ord. No. 606 2nd series, § 2, 3-10-2009; Ord. No. 622 2nd series, § 1, 7-27-2010; Ord. No. 655 2nd series, § 1, 5-22-2012; Ord. No. 685, § 1, 1-28-2014; Ord. No. 694 2nd series, § 1, 5-12-2015; Ord. No. 719 2nd series, § 2, 5-9-2017; Ord. No. 753 2nd series, §§ 1, 2, 7-28-2020)

**Cross reference(s)**—Businesses, ch. 22.

**CITY OF MARSHALL  
AGENDA ITEM REPORT  
PC 4/10/24**

<b>Presenter:</b>	Ilya Gutman
<b>Meeting Date:</b>	Wednesday, April 10, 2024
<b>Category:</b>	PUBLIC HEARING
<b>Type:</b>	ACTION
<b>Subject:</b>	Ordinance amendment to Section 86-162 Yard Modification
<b>Background Information:</b>	<p>The last variance application staff had to process was a request for a reduced front yard for a garage addition. The house was located at the corner of a street and cul-de-sac, which effectively cut out a back corner out of the lot. This is not an uncommon situation for similarly located lots throughout the city, so staff recommended denial, since the lot was not sufficiently unique, which is one of the conditions for “practical difficulty” test for granting a variance.</p> <p>However, during the Planning Commission meeting, one of the members questioned the applicability of the front yard requirement to similar situations. During the following internal discussion, staff reviewed other circles and came to the conclusion that reducing front yard for curved portions to 15 feet instead of otherwise required 25 feet is not going to be detrimental to the neighborhoods. In fact, most likely, for all practical purposes, this reduction will only be pertinent to some corner lots at the cul-de-sac entries, since other, pie-shaped lots will not have long enough frontage to utilize reduced yard.</p> <p>An aerial photo to illustrate this common condition is attached.</p>
<b>Fiscal Impact:</b>	None.
<b>Alternative/ Variations:</b>	None recommended.
<b>Recommendations:</b>	<p>Close public hearing. Staff recommend the recommendation to the City Council approving the revisions amending Section 86-162 Yard Modification.</p>

## **Section 86-162 Yard Modifications**

Measurements shall be taken from the nearest point of the wall of a building to the lot line in question, subject to the following qualifications:

- (a) Cornices, awnings, marquees, eaves, pergolas, and balconies may extend into the required front yard a distance not exceeding four feet, and the required side yard distance not exceeding two feet.
- (b) Fire escapes may extend into the required front yard a distance not exceeding five feet. Basement egress window wells may extend into required front and side yards a distance not to exceed three feet.
- (c) A landing or deck may extend into the required front yard to a distance not exceeding eight feet, if they have the floor no higher than the main floor of the building, except a landing installed at the main entrance of existing residential structure and projecting no more than four feet from the structure may extend 15 feet into required front yard. A four-foot square landing, not including stair, or a five-foot square landing serving a ramp, shall always be permitted at the main entrance of existing residential structures if replacing an existing landing. An open railing no higher than three feet may be placed around such structures.
- (d) A bay window having a bow, or angled sides, with windows on all faces projecting no more than two feet from the building wall may extend 20 feet into required front yard.
- (e) The architectural features listed in paragraphs (1) through (4) may also extend into the required rear yard to the same extent as permitted for extension into the required front yard. If an easement coincides with, or is wider than, a required yard, architectural features listed in paragraphs (1) and (2) may extend into such easement not more than two feet with written approval of the city engineer.
- (f) Retaining walls, fences, and other similar structures located in any yard shall not exceed seven feet in height in any of the classes of residential and business districts, unless required by a condition for a variance adjustment or conditional use permit granted for unrelated issue. Barbed wire or electrical fencing materials are prohibited in these locations.
- (g) Retaining walls, fences or any other structures, both permanent and temporary, located in the front yard of a corner lot at the intersection of streets, except pilon signs, shall not exceed three feet in height as measured above the curb within a 25-foot visibility triangle of the property corner at such intersection and within a ten-foot visibility triangle adjacent to alleys and driveways.
- (h) On double frontage lots, the required front yard shall be provided on both streets. On corner lots, the required front yard shall be provided on all streets. [On curved portions of cul-de-sac lot frontages, the required front yard may be reduced to 15 feet.](#)
- (i) In determining the depth of rear yard for any building where the rear yard opens into an alley, one-half the width of the alley, but not exceeding ten feet, may be considered as a portion of the rear yard.
- (j) Any structure, including fences, built in the rear or side yard that opens into an alley, must not be placed less than three feet from the property line defining this alley. Any garage with overhead door facing, and having a direct vehicle access from, an alley must not be placed less than 18 feet from the alley.
- (k) No front, side or rear yard shall be required in the downtown district, except single family houses and duplexes.
- (l) On a corner lot fronting two intersecting streets, either yard opposite the street may be designated the rear yard; in case of a triangular corner lot, the yard not adjacent to streets shall be designated the rear yard but shall meet the setback requirements of a side yard. On a corner lot fronting three streets, the yard opposite the front yard located between two other front yards shall be designated the rear yard but shall meet the setback requirements of a side yard.
- (m) On a flag lot, the lot side, which faces the street that this lot has an access from, shall be designated the front yard. For such lots, the lot depth calculations shall not include the length of the narrow access portion of the lot.
- (n) On a lot that faces, and is exclusively accessed from, a public roadway easement or recorded access easement providing access to at least one other property beyond said lot, the lot side facing the easement shall be designated the front yard.

(o) On an interior triangular lot, no rear yard shall be required.

(Code 1976, § 11.19(4)(B); Ord. No. 374 2nd series, § 1, 8-4-1997; Ord. No. 699 2nd series, § 1, 9-9-2015; Ord. No. 725 2nd series, § 1, 1-23-2018; Ord. No. 750 2nd series, § 1, 6-23-2020; Ord. No. 21-002, § 1, 4-27-2021)



**CITY OF MARSHALL  
AGENDA ITEM REPORT  
PC 4/10/24**

<b>Presenter:</b>	Ilya Gutman
<b>Meeting Date:</b>	Wednesday, April 10, 2024
<b>Category:</b>	INFORMATION ONLY
<b>Type:</b>	INFO
<b>Subject:</b>	Ordinance amending Section 66-55 Procedures
<b>Background Information:</b>	<p>This is a minor revision to the preliminary plat approval procedure. This section has recently been changed to move a public hearing from the City Council meeting to the Planning Commission meeting. This proposed change will allow conducting a required public hearing at the Council meeting if the Planning Commission does not have a quorum at its regular meeting, which will speed up the process in this case.</p> <p>This is not a public hearing and approval by the Planning Commission is not required by Ordinance. However, staff wants the Planning Commission to be aware of this change since it pertains to Planning Commission functions.</p>
<b>Fiscal Impact:</b>	N/A
<b>Alternative/ Variations:</b>	None recommended
<b>Recommendations:</b>	Information only.

## Section 66-55 Procedures

- (a) One copy of any preliminary plat which includes lands abutting upon existing or established trunk highway or proposed highway which has been designated by a centerline order filed in the office of the registrar of deeds (county recorder), shall be forthwith forwarded by the city engineer to the commissioner of transportation for his written comments and recommendations. Any such plat which includes land abutting upon any existing or established county or county state aid highway shall be so forwarded to the county engineer for his written comments and suggestions. Action thereon shall be postponed for a period of 15 days pending receipt of such response. Copies of any such responses shall be submitted to the city engineer.
- (b) One copy of the preliminary plat shall be filed with the city engineer for city council use, and who shall advise the council of such filing at its next regular meeting.
- (c) The city engineer shall forward one copy of the preliminary plat to all utility providers serving the proposed subdivision.
- (d) One copy of the preliminary plat shall be kept by the city engineer. The city engineer shall check and verify the survey and plat to such extent as he deems necessary, provided that he shall check with the zoning administrator and with heads of other departments which, in his opinion, would be affected by approval of the preliminary plat in the form presented. He shall within 30 days, unless such time limit is extended by the council from the filing date, prepare a written report to the council with a copy to the planning commission, including his comments and recommendations and the comments and recommendations of the zoning administrator and other department heads.
- (e) After receipt of any comments and recommendations from the commissioner of transportation and county highway engineer and after the receipt of the report from the city engineer, the planning commission shall meet to review the preliminary plat and make its recommendation to the council.
- (f) Such meeting of the planning commission shall be held within 60 days from the date of filing, extended by the equivalent of any extensions granted by the city engineer to make his report.
- (g) The Planning Commission shall hold a public hearing on the proposed preliminary plat. Notice of the public hearing shall be published in the official newspaper designated by the City Council at least ten days prior to the hearing. The city shall mail written notification of the proposed preliminary plat to property owners located within 350 feet of the subject site. Timing of the mailed notice shall be the same as that for the published notice. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply has been made. The planning commission shall review the preliminary plat, consider all oral and written reports, comments and recommendations, and adopt by majority vote of those present and voting, its own recommendation to the council stating its reasons as to whether or not to approve or disapprove the preliminary plat. Such recommendation shall be forwarded to the council, with a copy to the subdivider. If a Planning Commission meeting is cancelled due to lack of quorum and the Planning Commission is not able to hold a public hearing, the Council may proceed without receiving a Planning Commission report; in this case, at least one public hearing still shall be held.
- (h) At any time prior to publication of a notice of public hearing, the subdivider may, in writing, withdraw his application for approval by filing such withdrawal in the office of the city engineer. If the subdivider thereafter submits a revised preliminary plat, it shall be so designated to distinguish it from the original preliminary plat, provided that a revised preliminary plat shall be entitled to the same consideration and subject to the same procedure, except that unnecessary duplications shall be avoided whenever possible.
- (i) By state law, a final decision on a preliminary plat request must be made within 120-days of submittal of a complete application unless the applicant waives this 120-day time limit. At the next regular or special meeting, which shall be held within 30 days after the public hearing, the council shall decide to approve or disapprove the preliminary plat. If its decision is to approve the preliminary plat, such approval shall be contingent upon the filing of a final plat in accordance with the requirements of Chapter 66-55, Florida Statutes; and the city engineer shall forthwith advise the subdivider of the council action. The approving the preliminary plat shall constitute approval of all supplementary documents including,

but not limited to, the preliminary drainage and grading plan, the preliminary utility plan, the plans for construction and installation of improvements, and the proposed method of payment therefor. If any variance has been requested by the subdivider and the council approves the plat, it shall also make findings granting such variance. If its decision is to disapprove, the council shall make and adopt findings and conclusions which shall forthwith be forwarded to the subdivider.

(Code 1976, § 12.05(3); Ord. No. 723 2nd Series, § 1, 8-8-2017)

**State law reference(s)**-Public hearing required, Minn. Stat. § 462.358, subd. 3b.