

AGENDA
MEETING OF THE MARSHALL PLANNING COMMISSION
WEDNESDAY – JUNE 14, 2023
COUNCIL CHAMBERS – CITY HALL
5:30 P.M.

- 1) *Call to Order*
- 2) *Consider the approval of the minutes of the May 10, 2023, regular meeting of the Marshall Planning Commission.*
- 3) *Conduct a Public Hearing for an Interim Use Permit for a storage container in a B-3 General Business District at 1300 Susan Drive.*
- 4) *Conduct a Public Hearing on the request to rezone property at 1030 East Southview Drive from B-4 Shopping Center Business District to B-3 General Business District.*
- 5) *Conduct a Public Hearing on the request to rezone property at 122 through 216 London Road from B-1 Limited Business District and R-1 One Family Residence District to R-4 Higher Density – Multi Family Residence District.*
- 6) *Other Business*
- 7) *Adjourn*

**MINUTES OF THE
MARSHALL PLANNING COMMISSION MEETING
MAY 10, 2023**

MEMBERS PRESENT: Pieper, Doom, Stoneberg, Lee and Muchlinski

MEMBERS ABSENT: Deutz

OTHERS PRESENT: Jason Anderson, Ilya Gutman, and Amanda Schroeder

1. The meeting was called to order by Chairperson Lee. She asked for the approval of the minutes of the April 12, 2023, regular meeting of the Marshall Planning Commission. Doom MADE A MOTION, SECOND BY Stoneberg, to approve the minutes as written. ALL VOTED IN FAVOR OF THE MOTION.
2. Gutman explained this is a request by First Premier Bank (property owner), of Sioux Falls, SD to rezone property at 1420 East College Drive from B-4 Shopping Center Business District to B-3 General Business District for future development that includes a use permitted in B-3 district but not in B-4 district. Since the mall is not functioning as a mall anymore, staff believe that B-4 zoning district has become obsolete and suggest rezoning the other properties around the mall to B-3 as well at this time. All properties around the mall are currently zoned B-3 general business. This area was granted a PUD in 2015, but it was never acted upon, so this rezoning nullifies the existing PUD. The new Comprehensive Plan shows this entire area as Neighborhood Mix use with intent to allow for both commercial and residential uses and B-3 General business allows both. Doom asked if this includes the entire mall area and all the asphalt area. Gutman said yes, the mall and parking lot in front. The City is adding the old Kmart area. Muchlinski MADE A MOTION, SECOND BY Stoneberg to close the public hearing. ALL VOTED IN FAVOR OF THE MOTION. Doom asked if it is one motion for both requests. Gutman informed that is correct. Doom MADE A MOTION, SECOND BY Muchlinski to recommend to City Council as recommended by staff.
3. Gutman said This is a request by MN State Armory Building Commission to rezone their property 1103 Michigan Road from A Agricultural District to I-2 General Industrial District for potential development. City staff suggest that all adjacent lots located south of Michigan Road be also similarly rezoned for future development. The new Comprehensive Plan shows this entire area as industrial land use. The adjacent lots south of proposed rezoning are all zoned I-2 General Industrial District. Muchlinski asked if there is a plan for the property. Bill Westerberg with Widseth, of Baxter, MN, said the National Guard wants some parking to store some of their vehicles. Pieper asked if the parking lot would be gravel. Westerberg said at this time he believes it will be gravel. Doom said that tonight we are not here to vote on the use; that we are here to vote on the rezone and if it follows the Comprehensive Plan and makes sense. Muchlinski MADE A MOTION, SECOND BY Stoneberg to close the public hearing. ALL VOTED IN FAVOR OF THE MOTION. Doom MADE A MOTION, SECOND BY Pieper to recommend to City Council as recommended by staff.
4. Gutman advised that the proposed revision is minor and is related to self-storage warehouses or mini storages, defined as units or compartments under 500 SF rented to individuals for storage of personal property on a monthly basis. This use is conditional in a B-3 General Business District. This is an old provision and assumed buildings with rows of individual garage-like units with outside access and drives between buildings. However, the new type of such units was introduced relatively recently – conditioned indoor units with access from the inside of a building, which

--UNAPPROVED --

means a totally different appearance: instead of a row of connected garages it looks like a regular building with main entrance and typical parking area. To reflect this new reality, and facilitate future city development, staff suggest making buildings with indoor units a permitted use, while leaving mini storages with outside access a conditional use. Muchlinski MADE A MOTION, SECOND BY Stoneberg to recommend to City Council as recommended by staff.

5. Chairperson Lee asked for nominations for 2023/2024 officers. Doom nominated Lee for Chairperson, seconded by Muchlinski. ALL VOTED IN FAVOR. Muchlinski nominated Muchlinski for Vice Chairperson; seconded by Pieper. ALL VOTED IN FAVOR.
6. In other business Doom asked why Walmart could have all of those pods with just a chain link fence. Gutman explained that they are temporary for use only during construction. Doom asked to make a recommendation at the next PIT meeting to encourage trucks to go around on the bypass instead of down Main Street (Highway 68). He understands that we can't force them because Main Street is a State Highway, but like Brookings, SD, they have signs posted that state "Truck Bypass" which would encourage them to use the bypass. We have the bypass for a reason. Anderson said that at the next meeting he will bring it up.
7. A MOTION WAS MADE BY Stoneberg, SECOND BY Pieper to adjourn the meeting. ALL VOTED IN FAVOR. Chairperson Lee declared the meeting adjourned.

Respectfully submitted,
Chris DeVos, Recording Secretary

MEMORANDUM

TO: Members of the Marshall Planning Commission
Sharon Hanson, City Administrator
Jason R. Anderson, P.E., Director of Public Works/Zoning Administrator *ja*

FROM: Ilya Gutman, Assistant Planning & Zoning Administrator

DATE: June 7, 2023

SUBJECT: REQUEST FOR INTERIM USE PERMIT / STORAGE CONTAINERS IN A B-3 GENERAL BUSINESS DISTRICT
James & Patricia Skewes
1300 Susan Drive

Action Recommendation

Close public hearing.

Recommend approval to the City Council of the request by James & Patricia Skewes for an Interim Use Permit to have a storage container on the premises at 1300 Susan Drive with the following conditions:

1. That the regulations, standards and requirements as set forth in the City Code and as pertains to the class of district in which such premises are located shall be conformed with.
2. That the City reserves the right to revoke the Interim Use Permit in the event that any person has breached the conditions contained in this permit provided that the City serve the person with written notice specifying items of any default and allow the applicant a reasonable time in which to repair such default.
3. That this permit expires when the property changes ownership.
4. That this container meets all conditions of Sec. 86-248(f) dated 05-9-2023 (as attached) by August 31, 2023, including a fence, except side yard requirement.
5. That this container will have to be moved off required side yard when adjacent property is developed.

Background

This is the request by the Owner for an Interim Use Permit for a shipping container placement in a B-3 General business district. The Ordinance allows placing a limited number of containers in a general business district by an interim use permit. The above-listed conditions include a reference (condition 4) to a particular Ordinance section that itemizes specific conditions for container placement. This section is attached to make sure that only its current version is applicable and compliance with future amendments, if any, to this section will not be required.

Fiscal Impact

None known.

Alternatives / Variations

Deny the request

IG:cld / Attachments

RESOLUTION NO. _____

**RESOLUTION GRANTING
AN INTERIM USE PERMIT
FOR 1300 SUSAN DRIVE
WITHIN THE CITY OF MARSHALL, MINNESOTA**

WHEREAS, an application has been submitted by James and Patricia Skewes, (“Applicant”) to the City Council requesting approval of an interim use permit under the Zoning Code, Article 86-IV, Section 86-96, in the City of Marshall for the following location:

LOCATION: 1300 Susan Drive.

LEGAL DESCRIPTION: Shopko Addition, Lot 1.

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING: An Interim Use Permit to keep a shipping container on the property located at 1300 Susan Drive and legally described above, and

WHEREAS, notice required pursuant to Minnesota Statutes Section 462.357 including the time, place and purpose of the hearing was published in the official newspaper at least ten days prior to the day of the hearing; and

WHEREAS, notice required pursuant to Minnesota Statutes Section 462.357 was mailed at least ten days before the day of the hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the interim use permit relates; and

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on June 14, 2023, and

WHEREAS, staff presented the Planning Commission with information that the requested use may meet the criteria listed for granting an interim use for a shipping container allowed as an interim use in B general business districts per Marshall Code, Article 86-VI, Section 86-248 (f), and

WHEREAS, staff reviewed the above section allowing granting an interim use permit for shipping containers and specifically found:

- (1) The containers will not be placed in any front or required rear yard, but it is located in a required side yard.
- (2) The containers will be screened from public right of way and adjacent property by adequate fencing.
- (3) Any signage on the containers will be painted over.
- (4) This permit will expire when the property changes ownership or if a change in zoning regulations occurs.

WHEREAS, staff reviewed Standards for Hearing listed in Section 86-49 and specifically found:

- (1) Placing a container in this area will be comparable with the open area around.
- (2) The fencing will be built to screen the view of the container.
- (3) The container total area is below maximum permitted area provided in Section 86-248.

- (4) The site is large enough to accommodate a container covered by this request.
- (5) The duration of proposed interim use is as suggested by the Ordinance.
- (6) The use will not be injurious to the adjacent area, which will not be affected due to screening.
- (7) All other standards are not applicable to this request.

WHEREAS, the Planning Commission has discussed the above findings and, after discussion, held a vote on the request, and

WHEREAS, the Planning Commission, based on the above findings, has recommended to the City Council to approve a request for an interim use permits for a shipping container in a B-3 general business district with specific conditions, arising out of the motion offered by _____ and seconded by _____, and declared carried on the following vote Ayes: _____ Nays: _____, and

WHEREAS, the City Council reviewed the Minutes of the Planning Commission and heard from staff, and

WHEREAS, Staff reiterated its findings to the Council at the June 27, 2023 Council meeting,

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Marshall that the City Council accepts and adopts the following findings:

1. Because of the nature of the proposed use and its location, the requested interim use will not:
 - a. Be inconsistent with adjacent properties.
 - b. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this Code.
 - c. Violate any Ordinance provisions.
2. The interim use will be in harmony with the general purpose and intent of the City Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

FURTHER, BE IT RESOLVED, that the City Council of the City of Marshall hereby approves the requested interim use permit, subject to on-going compliance with all of the following conditions:

1. Pursuant to Marshall Code Article 86-II, Division 86-II-2, Section 86-49, no application for a condition modification shall be considered by the planning commission or council for at least one-year from the date of an interim use permit approval or from when circumstance sufficiently change to justify a review.
2. The owner shall maintain the property to conform with the Zoning Ordinance, Building Code, and not cause or create negative impacts to existing or future properties adjacent thereto.

3. The owner shall obtain all relevant and required permits prior to doing any work.
4. The shipping container covered by this interim use permit shall not have any painted signage or lettering and shall be screened from the public right of way and adjacent properties by a 7-foot-tall opaque fence on the north and east sides as shown in the attached drawing.
5. The shipping container covered by this interim use permit may stay within required side yard until adjacent property is developed at which time it will have to be moved off the required side yard.
6. The City reserves the right to revoke the Interim Use Permit if the applicant has breached the conditions contained in this permit provided first, however, that the City serve the applicant with written notice specifying items of any such default and thereafter allow the applicant a reasonable time in which to cure any such default.
7. This permit will expire when the property changes ownership.

The foregoing resolution, arising out of the motion offered by _____ and seconded by _____, was declared carried on the following vote:

Ayes:
Nays:
Passed:

Mayor

ATTEST:

City Clerk

Approval is contingent upon execution and return of this document to the City Planning Office.
I have read and agree to the conditions of this resolution as outlined above.

Property Owner / Applicant

Date

Section 86-248 Outside Storage

- (a) In all classes of residential districts, open storage and accumulation of materials and equipment shall be prohibited. In all other zoning districts, open storage of materials and equipment shall be prohibited in the required front, side, and rear yards, except storage shall be allowed in the required rear yard in industrial districts. Unless prohibited elsewhere in the ordinance, any other outside storage, including outdoor storage tanks, shall be located or screened so as not to be visible from public right-of-way, public parks or any lot within 500 feet in any of the classes of business or residence districts, except in industrial and agricultural zoning districts screening from public right-of-way is not required. The screening may be achieved by fencing or landscaping means compliant with section 86-247. In all classes of business districts, the storage area shall be paved or graveled to control erosion and shall be properly maintained. Temporary storage of building materials intended for construction use on premises shall be allowed during ongoing construction and up to two weeks prior to construction and is exempt from the above requirements provided a valid building permit is obtained.
- (b) Outdoor display of retail merchandise intended for sale or rent and open to public shall be allowed in all classes of business and industrial districts. In all classes of business districts, the display area, except live plants sales area, shall be paved to control dust and erosion and facilitate access to, and moving of, displayed products. Except licensed automobile, motorcycle, off-road vehicle, and boat sales lots, and small motorized farm and lawn care equipment sales, the display area shall not be located in the required front and side yards. Outdoor display areas adjacent to any of the classes of residence districts shall be screened by fencing or landscaping means compliant with section 86-247. Outdoor display area shall be adequately lighted.
- (c) In all classes of residential districts and residential properties within other zoning districts, outdoor display and sale shall be allowed during garage and yard sales only. The display and sales area shall be located entirely within the pertinent residential property.
 - (1) Any related signage shall be limited to premises and to other private properties provided permission from the property owners is obtained; all signage shall be erected not earlier than one-day before sale and shall be removed at the termination of the sale. Such signs shall be limited to three square feet each.
 - (2) There shall be no more than four garage sales conducted during any period of 12 calendar months; there shall be no more than two garage sales conducted during any period of 30 calendar days; there shall be no garage sales conducted for more than four consecutive days; and there shall be no garage sales conducted before 7:00 a.m. or after 8:00 p.m.
- (d) Building enlargement and expansions over 50 percent of existing building footprint area, construction of additional buildings on site, or changes of use resulting in new exterior storage or display area shall cause an exterior storage/display area review by city staff for ordinance compliance.
- (e) Trash, garbage, refuse, recycling materials or any other items intended for disposal shall be stored in designated containers or dumpsters which, with the exception of R-1 and R-2 residence districts, shall be located within areas set for collection of garbage as prescribed by section 50-23. In R-1 and R-2 residence districts trash cans shall not be stored in the required front yard except on the day of garbage collection. In R-1 and R-2 residence districts furniture and other bulky items may be left at the curb for pick up by the licensed garbage hauler or anywhere in the front yard for anyone to take for no more than 48 hours. In all classes of business and industrial districts, similar items intended for disposal may be piled together for

temporary storage no longer than six months within garbage collection areas in a single stack not higher than five feet and with area no more than 100 square feet.

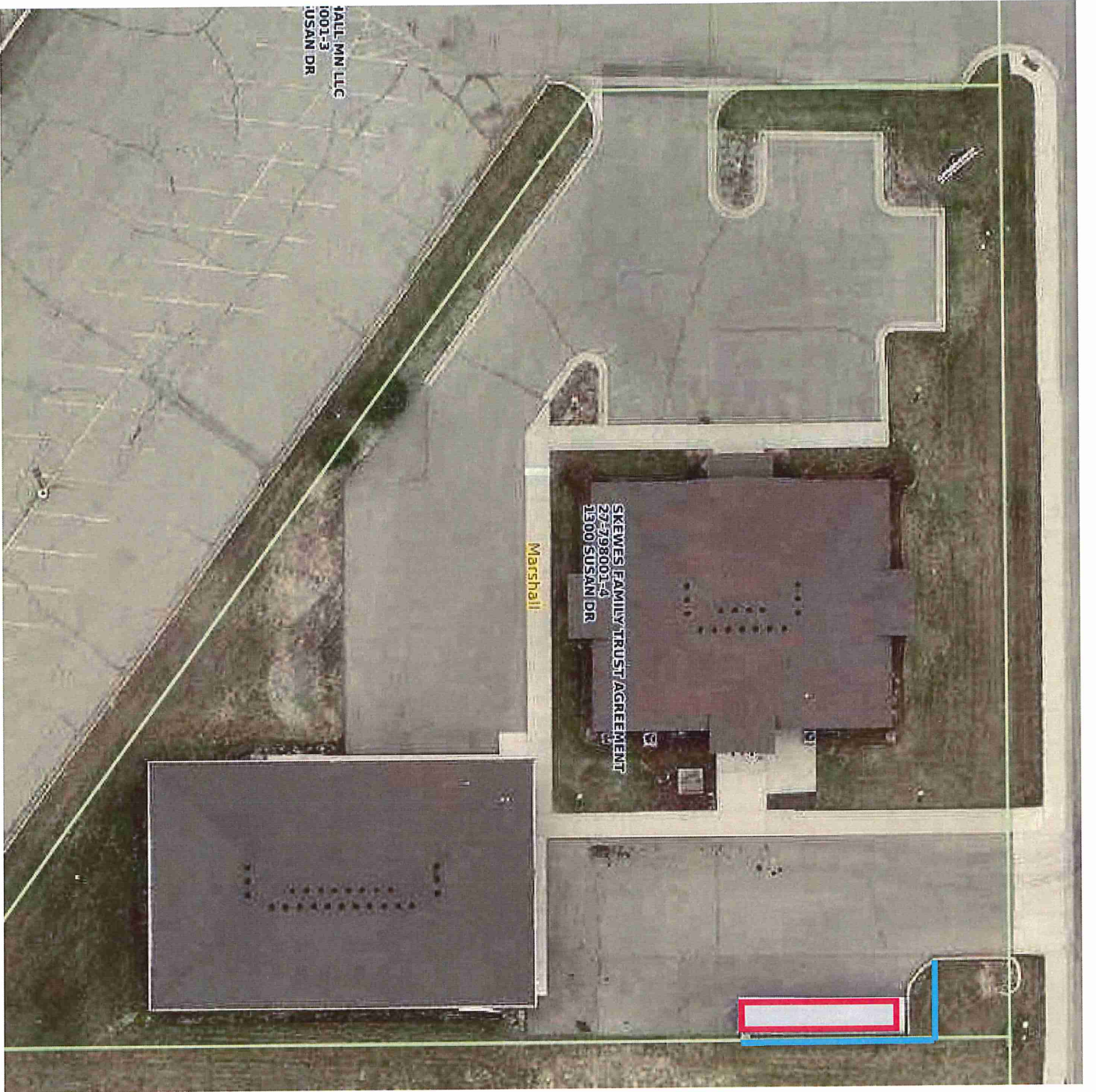
- (1) In all classes of multiple-family and business districts, garbage collection areas shall be paved and fully enclosed with secured access and shall not be located in the required front yard. The enclosure shall be between five and six feet high and fully opaque. If it is located next to the building, it shall be finished with materials matching the exterior of the building. Enclosure requirement does not apply in the Downtown district.
 - (2) Temporary construction dumpsters intended for demolition and other construction debris may be located outside of such enclosures during ongoing construction and up to one week before and after construction provided a valid building permit is obtained. No temporary construction dumpster shall be set on public right-of-way or public parking lot unless a city permit is secured.
- (f) Storage units are not allowed as permanent storage in all classes of residential or business districts. Storage units include motor vehicle trailers, including semi-trailers, designed to carry cargo; cargo or shipping containers constructed out of prefabricated metal and designed for overseas shipping or mounting on rail cars or truck trailers; or steel framed, weatherproof moving containers, commonly known as PODS. Utilization of a single unit is allowed for temporary storage for no more than 30 days in a calendar year; the 30 days limit may be extended up to 180 days by an interim use permit. The above listed units used for temporary construction related storage shall be allowed during an ongoing construction project and up to a month prior to construction, provided a valid building permit is obtained. As an exception, storage units totaling less than 1,000 square feet or ten percent of the main building area, whichever is less, may be permitted by an interim use permit in a B-3 general business district, with the following conditions:
- (1) The containers shall not be placed in any front or required side or rear yard.
 - (2) The containers shall be located so as not to be visible from the public right-of-way, public parks, or any lot in any of the classes of business or residence districts within 500 feet of the containers. It may be screened by fencing or landscaping means compliant with section 86-247. If a fence taller than otherwise permitted by the Ordinance is required for screening by an interim use permit condition, a variance for such fence construction shall not be required.
 - (3) The containers shall be new or freshly painted with neutral colors with no painted signage, lettering, or advertising and shall be properly maintained.
 - (4) The interim use permit shall expire when the property changes ownership or earlier as approved by the council.
- (g) In all classes of residential districts, a licensed boat, open or closed trailer, camper, motor-home, recreational vehicle or other motorized vehicle, but no more than three units, may be stored outside on the property as regulated in section 74-131. One snowmobile, ATV, golf cart, riding mower, trailer, boat, or camper can be displayed for sale in the front yard, provided it has not been purchased or consigned for resale and is not displayed for longer than seven consecutive days or longer than 30 days in a calendar year. No storage or accumulation of any materials in trailers is permitted.

Editor's note(s)—Ord. No. 687, § 1, adopted June 10, 2014, amended the title of § 86-248 to read as set out herein. Previously § 86-248 was titled storage of materials.

HISTORY

Amended by Ord. [22-005](#) on 5/10/2022

Amended by Ord. [23-009 Outside Storage](#) on 5/9/2023



HALL MN LLC
1001-3
SUSAN DR

SKEWES FAMILY TRUST AGREEMENT
22-298001-4
1300 SUSAN DR

Marshall

TO: Members of the Marshall Planning Commission
Sharon Hanson, City Administrator
Jason R. Anderson, P.E., City Engineer/Zoning Administrator *ja*

FROM: Ilya Gutman, Assistant Planning & Zoning Administrator *IG*

DATE: June 7, 2023

SUBJECT: REQUEST FOR MAP AMENDMENT (REZONE)
Vesta LLC
1030 East Southview Drive

Action Recommendation

Motion to close public hearing.

Recommend approval to the City Council of the request to rezone property at 1030 East Southview Drive from a B-4 Shopping Center Business District to B-3 General Business District.

Background

This is a request by Vesta, LLC, of Marshall, MN to rezone property at 1030 East Southview Drive from a B-4 Shopping Center Business District to B-3 General Business District. Since shopping centers are not a common use anymore, staff believe that B-4 zoning district has become obsolete and suggest rezoning the other properties around the mall to B-3 as well at this time. All properties around are currently zoned B-3 General Business District. The new Comprehensive Plan shows this entire area as Neighborhood Mix use with intent to allow for both commercial and residential uses, and B-3 General Business District allows for both. All businesses in the area of rezone are permitted in B-3, so there will be no adverse impacts.

Rezoning procedures are described in Section 86-30 Amendments. A rezoning map is attached.

Fiscal Impact

Costs are to be billed to applicant.

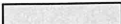
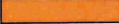










Alternatives / Variations

None recommended.

IG: cld

Staff Proposed
Rezone Area

Rezone Request

A		AGRICULTURAL	R-4		HIGHER DENSITY - MULTIPLE FAMILY RESIDENCE	B-3		GENERAL BUSINESS
R-1		ONE FAMILY RESIDENCE	R-5		MANUFACTURED HOME PARK	B-4		SHOPPING CENTER BUSINESS
R-2		ONE TO FOUR FAMILY RESIDENCE	B-1		LIMITED BUSINESS	I-1		LIMITED INDUSTRIAL
R-3		LOW TO MEDIUM DENSITY - MULTIPLE FAMILY RESIDENCE	B-2		CENTRAL BUSINESS	I-2		GENERAL INDUSTRIAL



COMMUNITY PLANNING DEPT.
344 WEST MAIN STREET
MARSHALL, MINNESOTA
56258

VESTA LLC REZONE

JUNE 7, 2023

EXISTING ZONING MAP W/ PROPOSED
REZONE AREA FROM B-4 TO B-3

FINDINGS OF FACT AND RECOMMENDATION

RECOMMENDATION OF APPROVAL OF A REZONING REQUEST WITHIN THE CITY OF MARSHALL, MINNESOTA

WHEREAS, an application has been submitted by VESTA LLC (“Applicant”) to the City Council requesting approval of a rezoning under the Zoning Code, Article 86-IV, Section 86-30, in the City of Marshall for the following location:

LOCATION: 1030 East Southview Drive

LEGAL DESCRIPTION: R & R Subdivision, Block 1, Lot 1.

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING: A Rezoning from a B-4 shopping center business zoning district to a B-3 general business district of the property located at 1420 East College Drive and legally described above, and

WHEREAS, staff presented the Planning Commission with information that shopping centers, or malls, are mostly an outdated concept and no longer are being built, making the shopping center district obsolete, and

WHEREAS, staff recommended that adjacent properties located at 1000 East Southview Drive, 1010 East Southview Drive, and 1020 East Southview Drive also be rezoned from a B-4 shopping center business zoning district to a B-3 general business district, and

WHEREAS, staff presented the Planning Commission with information that the surrounding areas are all currently zoned B-3 general business district, and

WHEREAS, staff presented the Planning Commission with information that the proposed rezoning meets the City’s current Comprehensive Plan, and

WHEREAS, notice required pursuant to Minnesota Statutes Section 462.357 including the time, place and purpose of the hearing was published in the official newspaper at least ten days prior to the day of the hearing; and

WHEREAS, notice was mailed at least ten days before the day of the hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the amendment relates, and

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on June 14, 2023,

NOW THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Marshall

that the City Council rezone the property requested by Applicant, in addition to the adjacent properties recommended by staff based on the following findings:

1. The proposed rezoning is consistent with the current Comprehensive Plan.
2. The proposed rezoning will further the City development.
3. The proposed rezoning is consistent with the surrounding area.

BE IT FURTHER RESOLVED that this recommendation be communicated to the Marshall City Council.

The foregoing recommendation, arising out of the motion offered by _____ and seconded by _____, was declared carried on the following vote:

Ayes:

Nays:

Passed:

Chairperson, Planning Commission

Approval is contingent upon execution and return of this document to the City Planning Office.
I have read and agree to the conditions of this recommendation as outlined above.

Property Owner / Applicant

Date

TO: Members of the Marshall Planning Commission
Sharon Hanson, City Administrator
Jason R. Anderson, P.E., City Engineer/Zoning Administrator *JA*

FROM: Ilya Gutman, Assistant Planning & Zoning Administrator *IG*

DATE: June 7, 2023

SUBJECT: REQUEST FOR MAP AMENDMENT (REZONE)
City of Marshall
122 through 216 London Road

Action Recommendation

Motion to close public hearing.

Recommend approval to the City Council of the request to rezone properties at 122 through 216 London Road from B-1 Limited Business District and R-1 One Family Residence District to R-4 Higher Density – Multi Family Residence District.

Background

This is a request by City of Marshall, Marshall, MN to rezone area at 122 through 216 London Road and as shown on attached map from B-1 Limited Business District and R-1 One Family Residence District to R-4 Higher Density – Multi Family Residence District for potential future development of multi-unit residential building. The new Comprehensive Plan shows this entire area as Neighborhood Mix use with intent to allow for both commercial and residential uses, and R-4 Higher Density – Multi Family Residence District allows both.

Rezoning procedures are described in Section 86-30 Amendments. A rezoning map is attached.

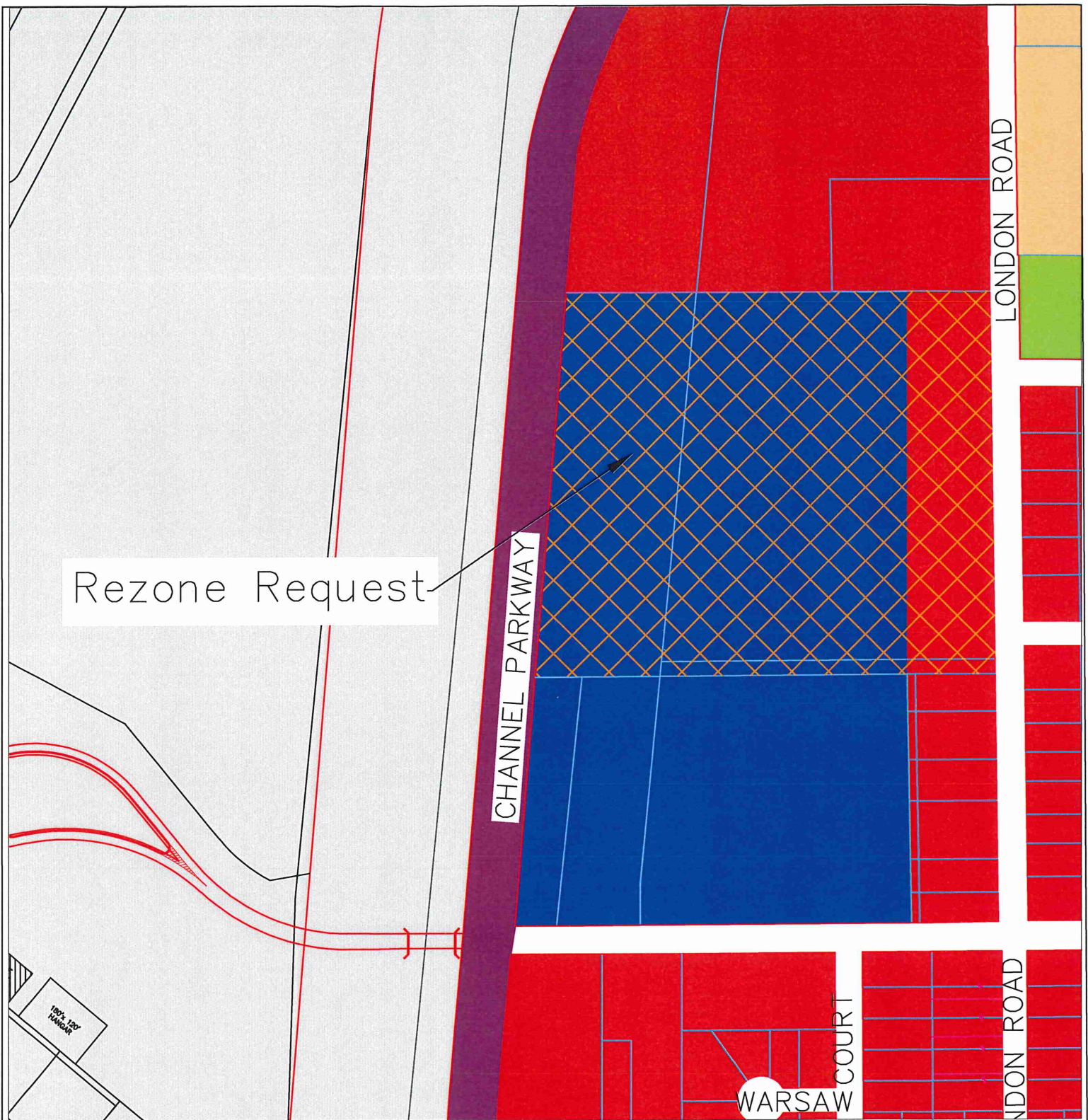
Fiscal Impact













N/A

Alternatives / Variations

None recommended.

IG: cld



A		AGRICULTURAL	R-4		HIGHER DENSITY - MULTIPLE FAMILY RESIDENCE	B-3		GENERAL BUSINESS
R-1		ONE FAMILY RESIDENCE	R-5		MANUFACTURED HOME PARK	B-4		SHOPPING CENTER BUSINESS
R-2		ONE TO FOUR FAMILY RESIDENCE	B-1		LIMITED BUSINESS	I-1		LIMITED INDUSTRIAL
R-3		LOW TO MEDIUM DENSITY - MULTIPLE FAMILY RESIDENCE	B-2		CENTRAL BUSINESS	I-2		GENERAL INDUSTRIAL



COMMUNITY PLANNING DEPT.
344 WEST MAIN STREET
MARSHALL, MINNESOTA
56258

LONDON ROAD REZONE

MAY 16, 2023

EXISTING ZONING MAP W/ PROPOSED
REZONE AREA FROM B-1 & R-1 TO R-4

FINDINGS OF FACT AND RECOMMENDATION

**RECOMMENDATION OF APPROVAL OF A
REZONING REQUEST
WITHIN THE CITY OF MARSHALL, MINNESOTA**

WHEREAS, an application has been submitted by the City of Marshall (“Applicant”) to the City Council requesting approval of a rezoning under the Zoning Code, Article 86-IV, Section 86-30, in the City of Marshall for the following location:

LOCATION: 122 through 216 London Road

LEGAL DESCRIPTION: As shown on attached map.

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING: A Rezoning from a B-1 Limited business and R-1 One family residence zoning district to a R-4 Higher density multiple residence district of the properties shown on attached map, and

WHEREAS, staff presented the Planning Commission with information that the proposed rezoning meets the City’s current Comprehensive Plan, and

WHEREAS, staff presented the Planning Commission with information that the proposed rezoning will facilitate further economic development in the area based on expressed interest from a developer, and

WHEREAS, notice required pursuant to Minnesota Statutes Section 462.357 including the time, place and purpose of the hearing was published in the official newspaper at least ten days prior to the day of the hearing; and

WHEREAS, notice was mailed at least ten days before the day of the hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the amendment relates, and

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on June 14, 2023, and

NOW THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Marshall that the City Council rezone the property requested by Applicant based on the following findings:

1. The proposed rezoning is consistent with the current Comprehensive Plan.
2. The proposed rezoning will further the City development.

BE IT FURTHER RESOLVED that this recommendation be communicated to the Marshall City Council.

The foregoing recommendation, arising out of the motion offered by _____ and seconded by _____, was declared carried on the following vote:

Ayes:

Nays:

Passed:

Chairperson, Planning Commission

Approval is contingent upon execution and return of this document to the City Planning Office.
I have read and agree to the conditions of this recommendation as outlined above.

Property Owner / Applicant

Date