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**MINUTES OF THE
MARSHALL PLANNING COMMISSION MEETING
JANUARY 8, 2019**

MEMBERS PRESENT: Ruud, Knieff, Edblom, Carstens and Steen

MEMBERS ABSENT: Fox,

OTHERS PRESENT: Jason Anderson, Ilya Gutman, and Glenn Bayerkohler

1. The meeting was called to order by Chairman Edblom. He asked for the approval of the minutes of the December 12, 2018, regular meeting of the Marshall Planning Commission. Steen MADE A MOTION, SECOND BY Knieff, to approve the minutes as written. ALL VOTED IN FAVOR OF THE MOTION.

2. Gutman explained that Greater Minnesota Family Services (GMFS) is a non-profit organization that provides help to at-risk children, mostly low income. They are licensed by the State of Minnesota as a Mental Clinic. One of their programs is called SEED, and it helps 3- to 5-year old kids with emotional and social development. They have been operating this program in Marshall for some time, first in a commercial building and then, starting this fall, in a single-family house located at 1408 Floyd Wild Drive, which is located in an R-1 One Family Residence District. According to Tom Belcher, GMFS's CFO, they work with groups of 8 to 10 kids at a time and each session lasts 3 hours, so they have two sessions a day. They employ 7 people in Marshall. Mr. Belcher informed the City that they run a similar program in many other cities throughout Minnesota. He said that other cities look at this as a daycare operation. Each location is licensed as a satellite office to their main office in Willmar, but this does not involve any state inspections. According to our research, all locations with listed addresses are situated in commercial buildings. According to the Ordinance definition, a daycare is any state licensed facility that provides, among others, habilitation and rehabilitation services for less than 24 hours a day. According to this definition, which goes beyond statutory requirements, this facility is indeed a daycare, which is a permitted use in an R-1 One Family Residence District, even though its license is not a daycare license. However, this use has other ordinance implications, mostly parking related. Section 86-205 prohibits vehicular access to non-residential uses across residential properties. This house is located hundreds of feet back from the street and is accessed through a recorded access easement, which goes through other residential properties. Section 86-206 requires that all required parking and access drives be paved. According to the Table 86-230, daycares need one parking space per employee plus one per ten kids which ends up being 8 total spaces for this building. There are two garages that can accommodate three vehicles total and a concrete pad in front of the house that can accommodate another one. Considering that the access easement already exists, city staff believes that a variance for this arrangement may be granted since it's a unique situation and the property cannot be used as permitted by the ordinance without it. A variance for not paving parking spaces may also be granted considering that half of required spaces are provided, and an attached condition limiting the number of cars parked outside will mitigate a negative impact. However, there is no justification for granting a variance for not paving an access drive since there are no practical difficulties associated with this request. Staff recommends approval to the City Council of the request by Greater Minnesota Family Services for a Variance Adjustment Permit for permitting an access drive leading to a non-residential use through residential properties. Staff recommends approval to the City Council of the request by Greater Minnesota Family Services for a Variance Adjustment Permit for unpaved parking with a condition that not more than three

--UNAPPROVED --

vehicles will be parked outside of paved area at any time. Staff recommends denial to the City Council of the request by Greater Minnesota Family Services for a Variance Adjustment Permit for unpaved access drive. Ruud asked how the children get there. Gutman said it is by bus. Edblom asked how many are employed. Gutman said 7. Gutman explained there are 3 different variances that will need three different action. Steen asked for clarification on the address. Gutman said it is 1408 Floyd Wild Drive. Bayerkohler asked about the easement if there is any wording that would describe the maintenance. Anderson explained it is private easement that the city has no control over. Edblom asked for clarification on the access through the easement. Gutman explained where the road runs through properties. Steen asked how much paving we are talking about. Anderson said that per the City Ordinance it is from the street to the property which is approximately 400 feet. Carstens asked who would be responsible for paying for that. Anderson explained the applicant. Steen asked when the additional traffic is. Tom Belcher, with GMFS, said he thinks the intent of the paving is because of more frequent use. He believes there would not be more frequent use because they have a van that picks up and drops off the kids. They do have employees but do not feel that would be excessive traffic. Mr. Belcher explained what they do and how they benefit Marshall. He said they have already invested a lot of money in the house and paving the drive would be a lot of money. They do the right thing as far as upkeep and maintenance that their properties are not just dumps. They usually spend more than what is normally required. He said we are paying for snow removal and doing much more than necessary for the neighbors. Steen asked if it is currently gravel. Gutman advised yes. Paul Arends, 1424 Floyd Wild Drive, asked where the additional parking would be. Mr. Belcher showed where they would park additional car. Ruud asked if there are any maintenance agreements. Anderson explained that there is nothing in writing and there was likely a handshake agreement with property owners. Neighbors in the audience agreed with this statement. Steen MADE A MOTION, SECOND BY Ruud, to close hearing ALL VOTED IN FAVOR OF THE MOTION. Steen MADE A MOTION, SECOND BY Knieff to recommend approval to the City Council of the request by Greater Minnesota Family Services for a Variance Adjustment Permit for permitting an access drive leading to a non-residential use through residential properties. ALL VOTED IN FAVOR OF THE MOTION. Knieff MADE A MOTION, SECOND BY Carstens to recommend approval to the City Council of the request by Greater Minnesota Family Services for a Variance Adjustment Permit for unpaved parking with a condition that not more than three vehicles will be parked outside of paved area at any time. ALL VOTED IN FAVOR OF THE MOTION. The third item is the paving of the driveway as the use will be higher than regular residential. Carstens asked approximately what it would cost to pave that much road. Anderson said approximately \$40K or better. Edblom asked if there is a city requirement regarding the road construction. Gutman said no but thought we would require it to be 12 to 14 feet and would not enforce the standard of 24 feet. Steen asked if there are other options other than blacktop, less expensive. Anderson said the ordinance says blacktop, concrete, or hard pavers but you can look at other options. Carsten ask if we have talked to adjacent owners. Anderson explained we have; that is how this came to our attention. They are concerned with the additional traffic. Knieff stated that the road has been there for over 50 years so it is a solid base but can see some dust control might be needed. Carsten ask what 1404 said. Anderson said they expressed concerns with the road, maintenance and additional traffic. Carsten asked if this was a handshake, could the property owner deny others a right to cross their property. Gutman explained no because the easement was recorded when the property was annexed into the city. Carsten asked if we have had this before with commercial. Gutman said not that he can think of but this is unique because this property is way in the back. In most cases it is citizens who bring stuff to our attention. Carsten MADE A MOTION, SECOND BY Knieff to recommend to the City

--UNAPPROVED --

Council of the request by Greater Minnesota Family Services for a Variance Adjustment Permit for unpaved access drive. ALL VOTED IN FAVOR OF THE MOTION.

3. Gutman said during the November 27, 2018, Council Meeting, Mr. Ty Brouwer presented a proposal for a public archery range to be located at the MERIT Center property. The Council approved this proposal and gave staff directions to proceed in accommodating the archery range. Marshall Community Services Department will be the lead in the entire process. The proposed location is zoned I-2 General Industrial District, which does not permit archery ranges. In fact, in Marshall archery ranges are permitted only in a B-3 General Business District, which most likely was intended for indoor locations only. Staff reviewed various ways for achieving a desired goal. Considering that the intent is for this archery range to become a public park, the decision was made to proceed in this direction. All City parks are zoned A – Agricultural District; however, an archery range are currently not a permitted or conditional use in an A – Agricultural District. In a few cities reviewed by staff, archery ranges are either not listed anywhere or permitted in Floodway Districts only. It seems that a reasonable path to creating a park with an archery range would be a three-step process: 1. Change the Ordinance to add archery ranges as a conditional use in an A – Agricultural District; 2. Rezone a desired area from I-2 General Industrial District to A – Agricultural District to match other city parks; 3. Approve a conditional use permit for an archery range in an A – Agricultural District. The recommended action above will take care of the first step of the process. Staff recommends the recommendation to the City Council approving the revisions amending Section 86-96 A - Agricultural District by adding archery ranges as a conditional use as proposed by staff. Carsten asked if these are normally next to a gun range and if there are any in Marshall. Gutman said not that he is aware of. Steen asked the distance to road. Anderson explained the nearest road is not a city road. Bayerkohler asked if this will be a city park and the city would mow and maintain it. Scott VanDerMillen, Director of Community Services, said yes. Knieff ask who mows it now. Anderson said MMU does. Knieff said it would be an ideal location. Ty Brouwer explained that there are guidelines to setting up ranges that require half the distance to the target in clear zone beyond the target so 100 yds is the farthest target so 150 yards from the road is needed for safety. There is a lot of vegetation that is also considered a safety wall. Knieff MADE A MOTION, SECOND BY Ruud to recommend to City Council an approval as recommend by staff. ALL VOTED IN FAVOR OF THE MOTION.
4. Gutman informed this is the second step for any archery range. Staff recommends a motion to recommend approval to the City Council of the request to rezone 1007 Erie Road the area as shown from I-2 General Industrial District to an A – Agricultural District. Ruud MADE A MOTION, SECOND BY Steen, to close the public hearing ALL VOTED IN FAVOR OF THE MOTION. Steen MADE A MOTION, SECOND BY Carstens to recommend to City Council an approval as recommend by staff. ALL VOTED IN FAVOR OF THE MOTION.
5. Gutman advised this is the third step for an archery range. Staff recommends a motion to recommend approval to the City Council of the request by Community Services, Marshall, MN for a Conditional Use Permit to have an archery range in an A – Agricultural District 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 Conditional 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

--UNAPPROVED --

which to repair such default. 3. That the property is maintained to conform to the Zoning Code and not cause or create negative impacts to adjacent existing or future properties. 4. Comply with NFAA and IFAA safety rules and clearances. 5. Provide gravel parking for 20 spaces including one paved accessible space. 6. Maintain at least 50 yards from all targets to existing structures. Steen asked if this is a park will you have signage. Mr. VanDerMillen said yes there will be signage. Ruud MADE A MOTION, SECOND BY Carstens, to close hearing ALL VOTED IN FAVOR OF THE MOTION. Carstens MADE A MOTION, SECOND BY Steen to recommend to City Council an approval as recommend by staff. ALL VOTED IN FAVOR OF THE MOTION.

6. Gutman explained this is a request by the EDA of Marshall to install a “For Sale” sign at 102 West Main Street. This request is in conjunction with Central Heritage District regulations. Chapter 86 Zoning, Article VI, Division 5 of the City Ordinance describes requirements that all projects involving exterior construction or renovation including sign installation, must comply with. These requirements are different from, and in addition to, other zoning conditions that the Planning Commission usually deals with. The emphasis is on the appearance which is subjective. The Central Heritage District Exterior Construction Standards also describe the procedures for reviews. If the project complies with the Standards, the Zoning Administrator or the Building Official will approve the project. The projects that deviate from, or contradict, the Standards, will have to be reviewed by the Planning Commission. However, this procedure is different from variances or conditional use permits since there is no need for a public hearing, so the process is less formal. The Planning Commission’s decision is final, and the City Council approval is not necessary. The ordinance limits the size of free standing signs in the Heritage District to 18 SF. The proposed sign is 32 SF or twice as big. Staff has no opinion. Ruud MADE A MOTION, SECOND BY Steen to approve the 32 sq. ft temporary sign. Carsten wanted to clarify that it is just 1 sign. Gutman said correct. ALL VOTED IN FAVOR OF THE MOTION.
7. A MOTION WAS MADE BY Knieff, SECOND BY Steen to adjourn the meeting. ALL VOTED IN FAVOR. Chairman Edblom declared the meeting adjourned.

Respectfully submitted,
Chris DeVos, Recording Secretary