

**MINUTES OF THE
MARSHALL PLANNING COMMISSION MEETING
NOVEMBER 13, 2024**

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

Call to Order.

The meeting was called to order by Chairperson Lee.

Approval of the Minutes.

Chairperson Lee asked for the approval of the minutes of the October 9, 2024, regular meeting of the Marshall Planning Commission. DOOM MADE A MOTION, SECOND BY STONEBERG, to approve the minutes as written. ALL VOTED IN FAVOR OF THE MOTION. MOTION PASSED 6:0.

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

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

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

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

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

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

Other Business

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

Respectfully submitted,
Karla Ellis, Recording Secretary