

**Marshall Planning Commission**  
**Report to City Council – Request for Conditional Use Permit**  
**405 Country Club Drive, City of Marshall, Lyon County, Minnesota**

Findings of Fact:

1. The office of the City of Marshall Zoning Administrator received an application for a conditional use permit related to property located at 405 Country Club Drive. The applicant for the conditional use permit was property owner Carr Family LTD Partnership and 405 Country Club Drive, LLC. The application for a conditional use permit was dated March 13, 2019.
2. 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.
3. City staff representatives from the Planning and Zoning Department reviewed the application for the conditional use permit and believed that the request for a conditional use permit was appropriate. Conditional use permits are granted only for uses specifically listed as conditional uses for a particular zoning district. The property at 405 Country Club Drive is zoned B-3 General Business District as defined in Ordinance Sec. 86-104.
4. The conditional use permit was requested to allow for business to be conducted on that property for the preparation, packaging, and distribution of dog treats.
5. Dog treat preparation, packaging and distribution is not a permitted use within the B-3 district as listed in Ordinance Sec. 86-104(b).
6. Conditional uses of B-3 property are defined within Ordinance Sec. 86-104(d). Conditional uses include uses falling under the general description “other business uses of the same general character as listed” as a permitted use.
7. Staff believes that the proposed dog treat preparation, packaging and distribution business is of the same general character as the permitted use described as “wholesale business and office with no outside storage”, based on information provided by the business owner indicating that the floor space dedicated to processing of treats would occupy less than 25% of the total floor space.
8. Staff believes that the proposed use is appropriate for consideration of the conditional use permit and therefore brought this matter forward for public hearing pursuant to provisions of Ordinance Sec. 86-48.
9. Public hearing was scheduled for March 28, 2019 to consider the request for conditional use permit at 405 Country Club Drive. Notice of that hearing was published and was mailed pursuant to provisions of Ordinance Sec. 86-47 and further in compliance with Minnesota Statutes.

10. Public hearing was held as scheduled. The three items considered by the Planning Commission at the public hearing were as follows:

Item 1: Evaluate the proposed use of the building for dog treat preparation, packaging, and distribution with less than 25% of floor space dedicated to processing of treats to determine whether it is similar to another permitted use of the same general character as a permitted use, i.e. "a wholesale business and office with no outside storage."

Item 2: Consider the following standard criteria for conditional use permit review as outlined in Ordinance Sec. 86-49:

- (1) Whether the proposed use is designed to be compatible with the existing neighborhood environment and use.
- (2) Whether the proposed use has adequate access to roads and rights-of-way.
- (3) The effect of any 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 conditional use.
- (12) The open space, recreational/plat areas proposed.
- (13) The availability of existing utility and public service facility.
- (14) The future maintenance provisions.
- (15) Whether the proposed use has a positive community need as defined in the comprehensive plan.
- (16) The effect upon the public welfare in general.
- (17) The effect upon the welfare of the adjacent area, and persons residing or working in the area adjacent to the area.
- (18) 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.

Item 3: If the proposed use is found to be an appropriate conditional use, evaluate the seven proposed conditions as recommended by staff:

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 which to repaid 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. That no offensive odor is detectable beyond property lines.

5. That the ratio of building area used for packaging and storage to the area used for dog treat preparation shall not be less than 3 to 1.
6. That any building addition or new building intended for requested use shall require a new conditional use permit.
7. That no outside storage is permitted.

At the public hearing, numerous comments were received from the public both recommending denial and recommending approval of the conditional use permit as requested.

At the conclusion of the public hearing, motion was made by Commission Member Knieff, second by Commission Member Fox to recommend approval of the conditional use permit with the included proposed conditions to the Marshall City Council for consideration. Motion was approved 4 votes yes, 2 votes no.

It is therefore recommended that the conditional use permit be recommended for approval to the Marshall City Council.

Marshall Planning Commission

 

By: Don Edblom

Its: Chair