

--UNAPPROVED --

**MINUTES OF THE
MARSHALL PLANNING COMMISSION MEETING
MARCH 8, 2023**

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

MEMBERS ABSENT: Lee

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

1. The meeting was called to order by Vice-chair Muchlinski. He asked for the approval of the minutes of the January 11, 2023, regular meeting of the Marshall Planning Commission. Doom MADE A MOTION, SECOND BY Deutz, to approve the minutes as written. ALL VOTED IN FAVOR OF THE MOTION.

2. Gutman said this is a request by Vesta, LLC to have a single ownership duplex in an R-1 One Family Residence District. The lot size is adequate for a duplex and all yard regulations will be complied with. 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 no evidence of two dwellings in the building. Gutman went over all the considerations as needed to grant a Conditional Use Permit, as listed in the ordinance. Bruce Saugstad of 508 Jaguar Court said he had been there for 16 or 17 years, and he was the 2nd one to build there. They chose that location because it was a single-family area. He said his main question was that with a lot of approved lots for multi-family housing, why rezone this when there are lots that have not been built on. There is also another cul-de-sac that has not been built on. Gutman clarified this is not a rezone but a Conditional Use Permit. Muchlinski requested clarification regarding the intent of a Conditional Use Permit. Gutman explained what a Conditional Use Permit is and how it works: if granted it stays with the property and that any reasonable conditions can be attached on; item may be revoked only if conditions are violated. He went over the difference between a Conditional Use Permit and a Rezone. He clarified that if you rezone, you have no control over permitted uses; however, with a Conditional Use Permit, you can set any conditions you feel that are necessary and reasonable. Jill Bot, 520 Jaguar Court, said she wanted to echo what Saugstad said. She informed that they moved in 5 years ago and they moved there because it was a single-family district. They should put multifamily in districts that are meant for multifamily buildings. James Carr, Vesta LLC, said the proposed buyer is Mike Meier, he owns two other locations. The driveways will be on two different streets, so it will not look like a duplex. Muchlinski asked if the owner will live in that location. Carr said not at this time. Muchlinski asked how the proposed buyer would feel about ensuring that each unit had a double garage. Carr said it is already designed that way. Stoneberg asked about the mowing of the lawn (if each side would be mowed at different times) and about the association fees. Carr said he can't speak for Meier, but he believes he will mow it at the same time. Gutman said this is one owner building. Muchlinski said that if he lived there, he would not like this in a single-family district. He asked if there are other multifamily in a single-family district. Gutman said yes, there are. Muchlinski asked how many. Gutman said he was not sure but there were 3 he could think of since he had been here. Muchlinski stated that when we have a district that is R-1, and we allow multifamily, then we are renegeing on the property owners. Saugstad said it sounds like it is another rental property for Meier. They built in R-1 because the owners would reside in the property, not have it be a rental. Pieper said he knows Meier, and he is reputable, but he would be interested to know what he will do with his other properties. Doom said when you do preliminary

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plots, it is in R-1 because they are easier to sell, and this hearing is about meeting all the conditions for the Conditional Use Permit. Muchlinski asked what the answer to that is. Gutman explained that when the conditions are met, it generally should be granted. Anderson said it is about being compatible to the neighborhood. That is why staff pointed out the other multifamily units in the area. But it is up to the commission to determine if it is compatible. Pieper confirmed that they will be rented, not owned. Gutman informed that any house can be rented. Schroeder said you can't decide who your neighbors rent to; she had a house in the neighborhood that was rented to four college students. Deutz asked if there were any conditions that would make it more acceptable. Carr mentioned facing different streets. Saugstad stated that there are a lot of neighborhoods already zoned R-2; it can be built there; his neighbors could rent out their houses, but they don't. Bot said the duplex that is there is a tight build, so not sure how it will look in this space. Stoneberg said she is against it. These guys bought their lots with the intent of the location being single family and they spent good money, so they should get what they wanted. Doom said it will look like 2 separate houses with the separate driveways going out to different streets. It will be like two houses back-to-back. Pieper said we will send it to council and let them determine if the compatibility fits this neighborhood. Doom MADE A MOTION, SECOND BY Stoneberg to close the public hearing. ALL VOTED IN FAVOR OF THE MOTION. Pieper MADE A MOTION, SECOND BY Deutz to recommend to City Council denial per section 86-49 (a) (1) for lack of compatibility. Doom said we struggle if it is compatible or not. Pieper said even if they are trying to make it look compatible, Saugstad, who lives across the street, doesn't have 2 driveways. MOTION PASSED 4 to 1 with Doom voting against the motion.

3. A MOTION WAS MADE BY Doom, SECOND BY Pieper to adjourn the meeting. ALL VOTED IN FAVOR. Vice Chair Muchlinski declared the meeting adjourned.

Respectfully submitted,
Chris DeVos, Recording Secretary