

**Marshall Planning Commission**  
**Report to City Council – Request for Conditional Use Permit**  
**522 Jaguar Court, City of Marshall, Lyon County, Minnesota**

**WHEREAS**, the office of the City of Marshall Zoning Administrator received an application for conditional use permits dated January 29, 2023, for a two-family dwelling under single ownership related to property located at 522 Jaguar Court;

**WHEREAS**, the applicant for the conditional use permits was the property owner Vesta, LLC, represented by its owner James Carr;

**WHEREAS**, 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;

**WHEREAS**, City staff representatives from the Community Planning Department reviewed the application for the conditional use permit;

**WHEREAS**, conditional use permits are granted only for those uses specifically listed as conditional uses for a particular zoning district;

**WHEREAS**, this property is zoned R-1 One family residence district as defined in Ordinance Sec. 86-97 and two-family dwellings under single ownership is a conditional use in an R-1 One family residence district;

**WHEREAS**, a public hearing was scheduled for March 8, 2023, to consider the request for a conditional use permit and notice of that hearing was published and was mailed pursuant to provisions of Ordinance Sec. 86-47 and further in compliance with Minnesota Statutes;

**WHEREAS**, the public hearing was held as scheduled and the Planning Commission considered the following standard criteria for conditional use permit review as outlined in Ordinance Sec. 86-49:

- (1) Whether the proposed use is compatible with the existing neighborhood environment and use.
- (2) The adequacy of the access to roads and rights-of-way.
- (3) The 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 interim use.
- (12) The natural features of the area.

- (13) The availability of existing utility and public service facility.
- (14) The future maintenance provisions.
- (15) 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.

**WHEREAS,** Staff offered the following information to the Planning Commission with a recommendation for the Planning Commission to recommend approval to the Council:

- (1) The lot in question is adjacent to the R-2 one to four family district and several multifamily buildings are present in the area; additionally, based on the Owner's statement, proposed building will have its entrances and garages facing different streets making it look more like a single-family house when viewing from each street.
- (2) The property is a corner lot and has long frontage to allow for separate accesses from adjacent streets.
- (3) No additional traffic (compared to a single-family house) will be generated in the court since only one unit will have access from it.
- (4) The standard R-1 landscaping requirements will be applicable.
- (5) The standard R-1 outside storage provisions will be applicable, which generally prohibit any outside storage.
- (6) The standard R-1 accessory buildings provisions will be applicable, which limits the number of accessory buildings to two.
- (7) The building size is not excessive and compatible with other houses in the area.
- (8) The area of site is adequate and significantly exceeds minimum lot area (10,000 SF) required by ordinance for a two-family dwelling in an R-1 district (lot area is over 16,000 SF).
- (9) The off-street parking facilities will meet the Ordinance requirement of two spaces per dwelling unit, since each unit will have an attached two car garage.
- (10) The density of the area will stay within limits for low density residential area as defined in the City Comprehensive Plan (less than 6 units per acre).
- (11) Not applicable to conditional use permits.
- (12) The lot is unremarkable and similar to adjacent lots.
- (13) Existing utility and public service facility are adequate for proposed building.
- (14) Since this is going to be a single ownership, the owner will be required to take care of the building in the same manner as a single-family building.
- (15) The proposed building will not increase traffic on Jaguar Court beyond that typical for a single family dwelling, and will blend with the surrounding area, thus avoiding negative effects on the neighborhood.

**WHEREAS,** at the public hearing, numerous comments were received from the public requesting denial including (a) the duplex does not fit into the plan or feel of the neighborhood; (b) that neighbors, when purchasing their property expected only single-family homes, (c) that rentals currently are not located in the neighborhood, and (d) that other alternative locations exist for this duplex, like in an R-2 zoned area or other location.

**WHEREAS,** the Planning Commission finds and determines the following:

1. Allowing a duplex in this R-1 district is not compatible with the existing neighborhood environment and use.;

2. The intent for constructing this two-Family Dwelling would be to rent out the property, which is not a use that is compatible with the neighborhood;
3. The applicant's failure to submit drawings to the Planning Commission made the record incomplete for the Planning Commission's review, since the Planning Commission could not visualize the building, its appearance or location on the site to better analyze the ordinance criteria.

**NOW, THEREFORE, BE IT RESOLVED**, the Planning Commission hereby denies based on the following:

1. Pursuant to Section 86-49 (a) (1), the duplex lacks compatibility with the neighborhood.

It is therefore recommended by the Planning Commission to the Marshall City Council that the conditional use permits be denied.

Marshall Planning Commission

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By: Jim Muchlinski  
Its: Vice-Chair