

Marshall Planning Commission
Report to City Council – Request for Conditional Use Permit
700 East Southview Drive, City of Marshall, Lyon County, Minnesota

WHEREAS, the office of the City of Marshall Zoning Administrator received an application for conditional use permits dated March 22, 2024, for a two-family dwelling under single ownership related to property located at 700 East Southview Drive,

WHEREAS, the applicant for the conditional use permits was the property owner Karen Owen,

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 April 10, 2024, 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 multi-family buildings are present in the area; additionally, based on presented drawings, 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.

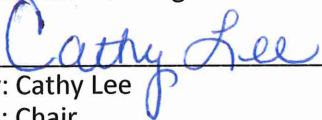
- (2) The property is a corner lot and has frontage to allow for separate accesses from adjacent streets.
- (3) No additional traffic (compared to a single-family house) will be generated on Woodfern Drive since only one unit will have access from it.
- (4) The standard R-1 landscaping requirements will 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 lot area is 11,000 SF which adequate and exceeds the minimum required by ordinance for a two-family dwelling in an R-1 district of 10,000 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 Woodfern Drive beyond that typical for a single family dwelling, and will blend with the surrounding area, thus avoiding negative effects on the neighborhood.

WHEREAS, the Planning Commission finds and determines the following:

1. The lot size is adequate for a duplex and all yard regulations will be complied with.
2. The outside appearance is uniform and masks evidence of two dwellings in the building with unit front entrances facing different streets, making it compatible with the neighborhood.
3. This duplex will not increase traffic and will not be injurious to the area.

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

Marshall Planning Commission


By: Cathy Lee
Its: Chair