

**MINUTES OF THE
MARSHALL PLANNING COMMISSION MEETING
APRIL 10, 2024**

MEMBERS PRESENT: Lee, Pieper, Deutz, Agboola, Stoneberg, Muchlinski, Doom
OTHERS PRESENT: Jason Anderson, Ilya Gutman

1. Call to Order.

The meeting was called to order by Chairperson Lee.

2. Approval of the Minutes.

Lee asked for the approval of the minutes of the March 13, 2024, regular meeting of the Marshall Planning Commission. MUCHLINSKI MADE A MOTION, SECOND BY DEUTZ, to approve the minutes as written. ALL VOTED IN FAVOR OF THE MOTION. MOTION PASSED 7:0

3. Consider the request of Karen Owen for a Conditional Use Permit for a duplex in an R-1 district.

Gutman shared this is a request to build a duplex in an R-1 district, the location is adjacent to the R-2 district. The City Ordinance provides specific factors to consider, and this duplex meets all the conditions. Gutman suggests that this request be approved. Scott Beekman, 803 Woodfern Drive, lives next door and would like the area to remain residential as the entire block is single family. Brian Swalboski, owner of Canoga Park Childcare, stated from a business aspect he would rather see a single family. Karen Owen, the property owner of 700 E Southview Drive, stated that Canoga Park Childcare is a business in a residential area and that all of Southview Court are multiple dwellings. Muchlinski asked how long the property had been vacant. Owen replied there was a house fire in 2009 and the house was torn down after that. Owen has owned the property since 1996. Stoneberg asked why Owen wants to build a duplex. Owen responded stating she is thinking of the future for her family. Owen shared she would live on the Woodfern side. Doom inquired if there would be driveways on Woodfern Drive and Southview Drive, as shown in the drawings. Owen responded that there would be separate entries so it will look like a single-family home from the front. Deutz asked if there are plans to rent the duplex outside the family. Owen replied, initially it was just family but recently decided to offer one unit to others. Stoneberg asked how close the property was to the Beekman's house. Anderson informed it was about 15 feet from the Beekman property. Gutman stated the duplex met all yard requirements. Scott Beekman shared there is no on-street parking on Southview Drive, and it could affect his side of parking space on Woodfern Drive. Beekman also states the proximity of 15 feet will be tight. Gutman stated that each unit would have a 2-car garage and space for another 2 cars outside of the garage, so each unit would have enough parking. Stoneberg asked if there was enough room for a backyard. Owen confirmed there would be. STONEBERG MADE A MOTION, SECOND BY MUCHLINSKI, to close the public hearing. All VOTED IN FAVOR. MUCHLINSKI MADE A MOTION, SECOND BY DOOM, 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 evidence of two dwellings in the building. ALL VOTED IN FAVOR. MOTION PASSED 7:0

4. Preliminary Plat of Kwik Trip 1273

Anderson informed the commission members that the second store of the Kwik Trip purchase has been combined with numerous parcels at the site of the Cattoor's Gas Station at 814 West Main Street. The purpose of the Plat is to bring it together so there is no inconsistency. Anderson shared city staff has reviewed the preliminary plat for conformance for city ordinance and has no issues or concerns. City staff would recommend and approval to City Council. Muchlinski asked how many entrances there would be at this plat. Dean George, Kwik Trip Representative, responded back stating there would be about 3 entrances. The access on the north side will stay, primary access off Highway 59 will be coming in, and then an exit somewhere in the middle. The new plan is facing the south. DOOM MADE A MOTION, SECOND BY PIEPER, to close the public hearing. All VOTED IN FAVOR DOOM MADE A MOTION SECOND BY MUCHLINSKI to recommend approval of the preliminary plat of Kwik Trip 1273 to the City Council, subject to utility companies review and recommendations. ALL VOTED IN FAVOR. MOTION PASSED 7:0

5. Ordinance amending Section 86-97 One Family Residence District

Gutman shared the new comprehensive plan was adopted and staff are trying to start the process of aligning all ordinance with the new comprehensive plan. Gutman also mentioned the rental code which was adopted, so limiting the number of people that are unrelated to three is no longer necessary. Pieper asked if this was due to the amount of college students living in one place or what was the main motive

of this overall change. Gutman shared that college living was part of the motive and that is why they limited the number of people that are unrelated. Gutman shares they also had some complaints regarding parking. The new rental code specifically states tenants have to either park on the property or in the street in front of the property. Agboola asked what would happen with visitors or guests if there is no space for them. Anderson and Gutman stated it is more for tenants and not visitors or guests. PIEPER MADE A MOTION, SECOND BY STONEBERG, to close the public hearing. ALL VOTED IN FAVOR. MUCHLINSKI MADE A MOTION, SECOND BY DEUTZ to recommend to the City Council approving the revisions amending Section 86-97 One family residence district as recommended by staff. ALL VOTED IN FAVOR. MOTION PASSED 7:0

6. Ordinance repealing Section 86-51 Bed and Breakfast

Gutman informed this section's provisions will be covered under the short-term rental provisions of the new Rental Ordinance, so it makes sense to get rid of the whole section. STONEBERG MADE A MOTION, SECOND BY DEUTZ to close the public hearing. ALL VOTED IN FAVOR. PIEPER MADE A MOTION, SECOND BY DOOM, to recommend to the City Council approving repealing Section 86-51 Bed and Breakfast as recommended by staff. ALL VOTED IN FAVOR. MOTION PASSED 7:0

7. Ordinance amending Section 86-107 General Industrial District

Gutman shared this section is not about the comprehensive plan. Gutman stated that this section is only about one change. Gutman explained that there are some areas in town where owners are growing crops in empty lots. Gutman informed the Ordinance does not allow that right now, but it does make sense for some vacant lot owners to be able to grow crops temporarily until an actual building is put on those empty lots. This Ordinance change will allow for cultivation by Conditional Use in an industrial district where there is less traffic. In other areas, for example Businesses, it will be handled differently. Business would have to apply for an Interim Use Permit since it is a high-traffic zone. Gutman explained they would like to start with this change before people start planting crops. Anderson shared as an example, on the Industrial side the old Ralco building was allowed to plant hay, currently Runnings has decided to till it and plant corn. On the Commercial side, Menards broke ground and planted corn. Gutman stated there are people doing it right now and with this ordinance change it would be easier to regulate it. MUCHLINSKI MADE A MOTION, SECOND BY DOOM, to close the public hearing. ALL VOTED IN FAVOR. AGBOOLA MADE A MOTION, SECOND BY PIEPER to recommend to the City Council approving the revisions amending Section 86-107 general industrial district as recommended by staff. ALL VOTED IN FAVOR. MOTION PASSED 7:0

8. Ordinance amendment to Section 86-162 Yard Modification

Gutman stated that this section relates to a previous Variance application that was denied. Gutman shared that staff met after that meeting to discuss the potential harm. The variance request was denied because the property was not unique, but staff reviewed the situation again and it does appear that for curved portion of circles reducing the front yard from 25 feet to 15 feet may be considered. In reality, this will only affect the properties on corner lots that contain the small, curved portion. PIEPER MADE A MOTION, SECOND BY STONEBERG, to close the public hearing. ALL VOTED IN FAVOR. DOOM MADE A MOTION, SECOND BY MUCHLINSKI, to recommend to the City Council approving the revisions amending Section 86-162 Yard Modification. ALL VOTED IN FAVOR. MOTION PASSED 7:0

9. Ordinance amending Section 66-55 Procedures

Gutman shared this is not a zoning section change, so it does not require a public hearing, but it pertains to the Planning Commission. Public hearings for plats are now brought to the Planning Commission, however if there is no quorum this change will allow public hearings to go to Council and have public hearings there to speed up the process. When there is no quorum at the Planning Commission meetings but still a few members are present, staff can provide information but there should be no discussion.

10. Other Business.

Lee asked to notify attendance in advance. Lee informed there will be reelections of Chair and Co-Chair at the May meeting. Since there was no other business, A MOTION WAS MADE BY DOOM, SECOND BY PIEPER, to adjourn the meeting. ALL VOTED IN FAVOR. MOTION PASSED 7:0 Chairman Lee declared the meeting adjourned.

Respectfully submitted,
Karla Ellis, Recording Secretary