

**Marshall Planning Commission**  
**Report to City Council – Request for Conditional Use Permit**  
**1000 Clarice Avenue, City of Marshall, Lyon County, Minnesota**

**WHEREAS**, the office of the City of Marshall Zoning Administrator received an application for Conditional Use Permits dated July 23, 2024, for a multiple unit dwelling to be built on property located at 1000 Clarice Avenue,

**WHEREAS**, the applicant for the Conditional Use Permits was the property owner Paul and Joanne Stoneberg and a developer Steve Kuepers,

**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 B-3 General Business District as defined in Ordinance Sec. 86-104 and multiple family dwellings is a conditional use in this district;

**WHEREAS**, a public hearing was scheduled for August 14, 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) This is a commercial area so multiple story buildings and significant traffic will be compatible with current use.
- (2) The property will have access from two streets.
- (3) The additional traffic generated by this use will be safely handled by public streets.
- (4) The site will be landscaped in compliance with the landscaping ordinance.
- (5) The standard B-3 outside storage provisions will be applicable, which generally prohibit any outside storage.
- (6) The standard B-3 accessory buildings provisions will be applicable.
- (7) This building size is adequate for proposed use.
- (8) The site area is adequate for proposed development.
- (9) The ordinance parking requirements will be met.
- (10) The density of the area will not change in any significant way.
- (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 use.
- (14) All standard maintenance provisions will apply.
- (15) The proposed use will not be injurious to surrounding area (see item 1) and will be helpful to the community.

**WHEREAS**, the Planning Commission has evaluated all applicable considerations and finds and determines that granting a requested Conditional Use Permit will not be injurious to the adjacent properties and that all standards for hearing are satisfied.

**NOW THEREFORE**, it is recommended by the Planning Commission to the Marshall City Council that the Conditional Use Permit for building apartments in a B-3 General Business District be approved as recommended by staff. The motion offered by MUCHLINSKI and seconded by DOOM, and declared carried on the following vote:

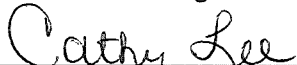
Ayes: 6

Nays:

Abstained:

Passed: 6:0

Marshall Planning Commission



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By: Cathy Lee

Its: Chair