

Marshall Planning Commission
Report to City Council – Request for Conditional Use Permit
302 West Redwood Street, City of Marshall, Lyon County, Minnesota

WHEREAS, the office of the City of Marshall Zoning Administrator received an application for conditional use permits dated April 25, 2024, for a multiple dwelling related to property located at 302 West Redwood Street,

WHEREAS, the applicant for the conditional use permits was the property owner Moriah Properties LLC,

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-1 Limited business district as defined in Ordinance Sec. 86-102 and multiple family dwellings is a conditional use in this district;

WHEREAS, a public hearing was scheduled for June 12, 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 an R-4 higher density multiple family district and several multi-family buildings are present in the area.
- (2) The property has access from both the street and an alley behind.
- (3) No additional traffic (compared to the previous business use) will be generated; in fact, there will be less traffic.
- (4) Since this is not a new building, landscaping requirements are not applicable.
- (5) The standard B-1 outside storage provisions will be applicable, which generally prohibit any outside storage.
- (6) The standard B-1 accessory buildings provisions will be applicable.
- (7) This building is located in the Downtown district so building size limitations do not apply.
- (8) This building is located in the Downtown district, so lot size limitations do not apply.
- (9) This building is located in the Downtown district so parking requirements do not apply.
- (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)Since this building will stay under single ownership, the owner will be required to take care of the building in the same manner as before.
- (15)The proposed use change will not change anything in the area and will not have any negative effects on the neighborhood.

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.

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