

**FINDING OF FACTS
CONDITIONAL USE PERMITS
FOR 1604 EAST COLLEGE DRIVE
WITHIN THE CITY OF MARSHALL, MINNESOTA**

WHEREAS, an application has been submitted by WTR LLC (“Applicant”) to the City Council requesting approval of a conditional use permits for an advertising sign under the Zoning Code, Article 86-VI, Section 86-185, in the City of Marshall for the following location:

LOCATION: 1604 East College Drive.

LEGAL DESCRIPTION: See Exhibit A

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING: A Conditional Use Permit to install an advertising sign on the property located at 1604 East College Drive and legally described above, and

WHEREAS, notice required pursuant to Minnesota Statutes Section 462.357 including the time, place and purpose of the hearing was published in the official newspaper at least ten days prior to the day of the hearing; and

WHEREAS, notice required pursuant to Minnesota Statutes Section 462.357 was mailed at least ten days before the day of the hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the request relates; and

WHEREAS, the Planning Commission held a public hearing as required by the city Zoning Code on June 12, 2024, and

WHEREAS, Zoning Ordinance Section 86-185 (c) requires that all advertising signs be permitted only by conditional use permit and be placed at least 100 feet from other advertising signs and from any residence district, and

WHEREAS, staff assert that application for conditional use permit for advertising sign will meet the ordinance provisions for approval, and

WHEREAS, the Planning Commission has discussed the above findings and, after discussion, held a vote on the request, and

WHEREAS, the Planning Commission, based on the above findings, has recommended to the City Council to a request for a conditional use permit for an advertising sign with certain conditions, arising out of the motion offered by and seconded by , and declared carried on the following vote Ayes: Nays: , and

WHEREAS, the City Council reviewed the Minutes of the Planning Commission and heard from staff, and

WHEREAS, Staff reiterated its findings to the Council at the June 25, 2024, Council meeting,

NOW THEREFORE, THE COUNCIL HAS RESOLVED, that the City Council accepts and adopts the following findings:

1. Because of the nature of the proposed use and its location, the requested conditional use will not:
 - a. Be inconsistent with adjacent properties.
 - b. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this Code.

FURTHER, THE COUNCIL HAS RESOLVED, that the City Council of the City of Marshall hereby approves the requested conditional use permit for an advertising sign, subject to on-going compliance with all of the

following conditions:

1. If within one (1) year after approving the Conditional Use Permit, the use as allowed by the permit shall not have been initiated, the CUP shall become null and void unless a petition for an extension of time in which to complete the use has been granted by the City Council. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
2. Pursuant to Marshall Code Article 86-II, Division 86-II-2, Section 86-49, no application for a condition modification shall be considered by the planning commission or council for at least one-year from the date of a conditional use permit approval or from when circumstance sufficiently change to justify a review.
3. The owner shall maintain the property to conform with the Zoning Ordinance, Building Code, and not cause or create negative impacts to existing or future properties adjacent thereto.
4. The owner shall obtain all relevant and required permits, including the City's sign permit and State permit, prior to beginning any work.
5. The installed sign shall be as follows:
 - i. The sign must be installed as shown on attached sketch. A survey showing the exact sign location by the registered land surveyor shall be filed with the City of Marshall prior to sign installation. The sign or any part thereof shall not encroach into any public right-of-way or adjacent property.
 - ii. This permit is for the sign structure described as follows:
 - a. Two panels (not-digital) installed at an angle to each other (two sign panels total).
 - b. Each sign panel shall be no greater than 17 feet by 20 feet.
 - c. The overall height of the sign shall be no more than 30 feet.
Structural drawings showing sign footing and foundations shall be signed by a registered professional engineer and submitted along with the sign permit application.
 - iii. The sign structure shall be maintained in a safe condition and all surfaces maintained without blemish or defects. The current land and sign owner and all future sign and landowners are fully responsible for maintenance, together or separately.
6. The City reserves the right to revoke the Conditional Use Permit if the applicant or if ownership of the property has transferred, then the current owner, has breached the conditions contained in this permit provided first, however, that the City serve the applicant with written notice specifying items of any such default and thereafter allow the applicant a reasonable time in which to cure any such default.

Approval is contingent upon execution and return of this document to the City Planning Office.

I have read and agree to the conditions of this resolution as outlined above.

Property Owner / Applicant

Date