



## CITY OF MARSHALL AGENDA ITEM REPORT

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|---------------------------------|---|
| <b>Meeting Date:</b>            | Tuesday, January 25, 2022   |
| <b>Category:</b>                | NEW BUSINESS  |
| <b>Type:</b>                    | ACTION  |
| <b>Subject:</b>                 | Request for Conditional Use Permit / Apartment in B-2 Central Business District at 103 W Lyon Street.   |
| <b>Background Information:</b>  | <p>This is a request by the City of Marshall for a Conditional Use Permit to allow construction of a 39-unit apartment in B-2 Central Business District and within the limits of the Downtown District at 103 West Lyon Street. Apartment buildings are a Conditional Use in a Central Business District.</p> <p>The lot is currently vacant, and the City is promoting the development of apartments within, and in close proximity to, the downtown business area. However, parking in downtown has always been a concern. Based on the types of apartments proposed in the building, 45 parking spaces would be needed for this development outside of the Downtown district, based on the City parking regulations outside of downtown. However, all uses within the Downtown District are exempt from off-street parking requirements.</p> <p>Central Business District regulations are located in Section 86-103 <a href="https://library.municode.com/mn/marshall/codes/code_of_ordinances?nodeId=PTIICOOR_C_H86ZO_ARTIVZODIRE_S86-103CEBUDI">https://library.municode.com/mn/marshall/codes/code_of_ordinances?nodeId=PTIICOOR_C_H86ZO_ARTIVZODIRE_S86-103CEBUDI</a> and Parking requirements can be found in Sections 86-201 and 86-230. The conditional use permit regulations are found in Section 86-46 <a href="https://library.municode.com/mn/marshall/codes/code_of_ordinances?nodeId=PTIICOOR_C_H86ZO_ARTIADEN_DIV2COUSPE_S86-46ISPU">https://library.municode.com/mn/marshall/codes/code_of_ordinances?nodeId=PTIICOOR_C_H86ZO_ARTIADEN_DIV2COUSPE_S86-46ISPU</a>. Attached is an aerial photo and a proposed site plan.</p> <p>At the Planning Commission meeting on January 12, 2022, a motion was made by Schroeder, seconded by Muchlinski, to recommend approval as recommended by city staff to City Council. ALL VOTED IN FAVOR.</p> |
| <b>Fiscal Impact:</b>           | None known.   |
| <b>Alternative/ Variations:</b> | No alternative actions recommended.   |
| <b>Recommendation:</b>          | <p>that the Council approve a Conditional Use Permit for apartment in B-2 Central Business District and within the limits of the Downtown District with the following conditions:</p> <ol style="list-style-type: none"> <li>1. That the regulations, standards, and requirements as set forth in the City Code and as pertains to the class of district in which such premises are located shall be conformed with.</li> <li>2. That the City reserves the right to revoke the Conditional Use Permit in the event that any person has breached the conditions contained in this permit provided that the City serve the person with written notice specifying items of any default and allow the applicant a reasonable time in which to repair such default.</li> <li>3. That the property is maintained to conform to the Zoning Code and not cause or create negative impacts to adjacent existing or future properties.</li> <li>4. That there are no more than 40 apartments.</li> <li>5. That at least one off-street parking space per apartment is provided.</li> </ol>   |