



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Meeting Date:</b>	Tuesday, March 24, 2020
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	INFO/ACTION
<b>Subject:</b>	REQUEST BY THE CITY OF MARSHALL FOR A CONDITIONAL USE PERMIT TO ALLOW CONSTRUCTION OF A 12-UNIT APARTMENT IN B-2 CENTRAL BUSINESS DISTRICT AND WITHIN THE LIMITS OF THE DOWNTOWN DISTRICT AT 238-240 WEST MAIN 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 12-unit apartment in B-2 Central Business District and within the limits of the Downtown District at 238-240 West Main Street. Apartment buildings are a Conditional Use in a Central Business District.</p> <p>This building is currently vacant and was acquired by the City about a year ago because it was blighted. The goal was to find a way to improve the building or take it down. The City currently has a potential buyer who wants to make sure his desired use is feasible. The apartments are proposed on the second and third floors and the first floor will be used for office and retail space.</p> <p>The City is promoting the development of apartments within and in close proximity to the downtown business area and believes development would have a positive effect. However, parking in downtown has always been a concern. Based on the types of apartments proposed in the building, 20 parking spaces would be needed for this development outside of the Downtown District, based on the City parking regulations. It is significant that any use of this building will result in additional parking. In fact, all other uses will require more parking, for example, office or retail use will need 40 spaces. However, all uses within the Downtown District are exempt from off-street parking.</p> <p>In the past, the requests for conditional use permits for apartments in downtown were granted with a condition of providing a dedicated parking lot for renters elsewhere. However, it seems unlikely that residents would park cars three or four blocks away; most likely, they actually parked on available downtown parking lots and streets. Moreover, maximum demand for parking for apartments is evenings and nights, the opposite of daytime demand of other businesses located in downtown, such as offices and stores.</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_CH86ZO_ARTIVZODIRE_S86-103CEBUDI">https://library.municode.com/mn/marshall/codes/code_of_ordinances?nodeId=PTIICOOR_CH86ZO_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_CH86ZO_ARTIIADEN_DIV2COUSPE_S86-46ISPU">https://library.municode.com/mn/marshall/codes/code_of_ordinances?nodeId=PTIICOOR_CH86ZO_ARTIIADEN_DIV2COUSPE_S86-46ISPU</a> and the Standards for Hearing are found in Section 86-49. <a href="https://library.municode.com/mn/marshall/codes/code_of_ordinances?nodeId=PTIICOOR_CH86ZO_ARTIIADEN_DIV2COUSPE_S86-49STHE">https://library.municode.com/mn/marshall/codes/code_of_ordinances?nodeId=PTIICOOR_CH86ZO_ARTIIADEN_DIV2COUSPE_S86-49STHE</a>. Attached is an aerial photo and layout of apartments.</p> <p>City Staff recommended approval of the request to allow not more than 12-unit apartment with the conditions to include a downtown map with parking lots indicated in the lease.</p> <p>At the Planning Commission meeting on March 11, 2020, a motion was made by Fox, seconded by Steen, to deny the request. Motion passed 6 – 1 Carstens voting Nay.</p>
<b>Fiscal Impact:</b>	None known
<b>Alternative/ Variations:</b>	Approve the request to allow not more than 12-unit apartment with the conditions to include a downtown map with parking lots indicated in the lease as recommended by staff

<b>Recommendations:</b>	
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