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**MINUTES OF THE
MARSHALL PLANNING COMMISSION MEETING
MARCH 11, 2020**

MEMBERS PRESENT: Schroeder, Steen, Edblom, Lee, Knieff, Carstens, and Fox

MEMBERS ABSENT:

OTHERS PRESENT: Jason Anderson, Ilya Gutman, Glenn Bayerkohler, Dennis Simpson, Sharon Hanson

1. The meeting was called to order by Chairman Edblom. He asked for the approval of the minutes of the November 13, 2019, regular meeting of the Marshall Planning Commission. Schroeder MADE A MOTION, SECOND BY Lee, to approve the minutes as written. ALL VOTED IN FAVOR OF THE MOTION.
2. Gutman explained 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. 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. 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. However, all uses within the Downtown District are exempt from off-street parking. 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. Staff recommends 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. Sharon Hanson is available for questions as is the prospective buyer. Alan Greig, 506 North 4th Street, said there is one parking lot for that entire block that has 26 parking spots. The City rents 10 spots but needs much more than that. If you go around that area, there are already 18 apartments. We have a building being remodeled for over 6 million dollars. Not everyone who rents is out at 8:00 am so there is already congestion. We have new apartments on Legion Field Road and by Varsity Pub they will have a new building with apartments. I called Suite Living and they have 60 vacant units. I don't feel we need to jam this through and lose our ability to have customers to come to our 6-million-dollar City Hall, location because there is nowhere to park. Dan Vogt, 348 Main Street West, said he owns the adjacent building and he wants spots for his renters. Greg Taylor said he was trying to get parking for his building that wasn't downtown, and he was short 3 spots. Wondering if there are 2 standards; one for the City and one for the private sector. He wants the City to promote apartments above businesses for two types of income. He said he is all for apartments downtown but not to take more parking away. Anderson explained in 2014 the ordinance was amended to exempt all

--UNAPPROVED --

uses from parking requirements in the downtown district, including apartments. Hanson explained some background on the project. She said the City decided to apply for the Conditional Use Permit on behalf of the interested party. The City is looking at this as a redevelopment, not so much as a housing development. A local developer suggested not to demo the building but to wait and see if there are any interested buyers. Demolition will cost around \$400,000. If it doesn't work out, Hanson said, maybe someone else will come forward. That is why the City applied for this. There is discussion about having City Staff parking elsewhere. This is early in the process and this is just the first step to take this to the next level. Edblom asked what the rental fees would be. The prospective buyer said about \$650. Anderson explained this is irrelevant and suggested keeping the topic to the planning and zoning. Steen MADE A MOTION, SECOND BY Fox, to close the public hearing ALL VOTED IN FAVOR OF THE MOTION. Fox asked the prospective buyer if he had any plan for parking. The prospective buyer said no. Fox said we are here to discuss having the apartment in a B-2 Central Business District. Edblom asked if the Conditional Use Permit is granted, if it stays with the property. Anderson confirmed that is correct; if you grant it, it will stay with the property along with any added conditions. Edblom restated what Anderson said. Gutman confirmed that is correct provided the conditions are met. Steen said it is difficult to approve the Conditional Use Permit and not consider the lack of parking. Carstens asked if the lack of parking justifies getting the building improved. Fixed up is better than the way it sits now. Steen asked if anyone has any ideas of parking. She said she is a dance mom and has used that parking lot and it is a disaster. Hanson said the City has checked with Wells Fargo about use of some of their parking but that did not go forward. There is a discussion with the church; however, there is cost to that. Fox said his concern is the effect on the existing businesses, but he would like to see it developed. Taylor said he would like to hear the financial numbers before a Conditional Use Permit is issued. Anderson explained that is a concern of the developer and his banker, not of the Planning Commission. There were some business owners that said they would like to see some more apartments downtown to help increase the traffic flow in their business. Edblom said his reservation is that we are putting the cart before the horse; we are asked to put a Conditional Use Permit on that property when we don't know if this is even going to happen. Can we rescind the Conditional Use Permit if it doesn't go through? Simpson said only if conditions are violated. Gutman stated asking for a Conditional Use Permit before the sale of property has been done in the past. Simson said there is an Interim Use Permit that you can put on it and if it doesn't develop, it goes away. Knieff said there is not enough parking downtown now. Hanson informed that we are confident on the financial side. She said the developer had asked about the community support and she could not answer that, so this is a part of this process to see if we want to take this further. It is a critical step for us. Schroeder said we need to consider that we are also setting a precedence, that we allow apartments without parking. Edblom said the City has known that parking downtown has been an issue for many years, and we have not done anything about it. Anderson informed that if you desire to make a motion to approve you can make a condition to require parking. Edblom said we can table it for another meeting. Steen asked if we approve it requiring 12 parking spots, does that stop the project? Carstens said the developer can put the parking blocks away in the lease. Greig said that building has no parking at all. If the tenant comes back with groceries, there is nowhere to park and unload. So, from a real point of view, parking blocks away will not happen. Gutman explained in all previous ones before the ordinance change, Conditional Use Permit required the parking to be 3 – 4 blocks away. Knieff said this will need to be 20 parking spots. Carstens said that is up to the landlord and the lessee not us. When he went to college, they had to park 3 – 4 blocks away. Vogt said if that is the case, his building is further along so he wants to have 4 parking spots right now. Anderson explained that if he (Vogt) chooses to have apartments,

--UNAPPROVED --

he would need to come to the Planning Commission and apply for a Conditional Use Permit. Hanson said the City does not intend to give permitted parking spots. Vogt said he sent Hanson an email about his tenants complaining about the trucks and he believes his tenants will leave. Fox MADE A MOTION, SECOND BY Steen to deny until the City of Marshall can come up with a better solution for parking downtown. Carstens asked if it is denied, will the building just sit there looking like it does now. Hanson said she cannot speak for the City Council, but she would recommend demolition. Carstens asked if it is demolished, will there be structural concerns to other buildings next to it. Taylor said no, they are double walled. Greig said if that building is demolished, there would be room for a nice retail store and parking. Vote Yea: Schroeder, Steen, Edblom, Lee, Knieff, and Fox: Voting Nay: Carstens. The motion Passed 6-1.

3. Gutman said these proposed changes are mostly based on staff experience with applications and voiced concerns. Some changes are purely technical in nature, some are a result of the development of the City Tree Policy, and others are related to the creation of an Interim Use Permit concept that allows temporary deviations from the Ordinance. This opportunity was also used to clean up some language and clarify some concepts. Here are the most significant proposed changes: Allowing to build a front door landing without a variance even if a house is located too close to the street, Requiring at least 3 feet of clearance along alleys for snow removal and more for garages for cars parking in front of them, Clarifying yard requirements for three street corner lots, flag lots, and lots open to roadway easements rather than streets, Allowing larger accessory structures for smaller existing houses, Allowing motor-homes and RV's to be placed on driveways for longer than 10 days by an Interim Use Permit, but limiting projection into the right of way, Allowing secondary detached garages without driveway and limiting required driveway pavement to the required front yard, Allowing accessory equipment in front yards if fully screened by the fence. Staff recommends approving the revisions amending Section 86-161 Height Modifications, 86-162 Yard modifications, 86-163 Accessory buildings, and 86-164 Accessory equipment. Schroeder said when reading through this, it appears to be just a cleanup. Fox MADE A MOTION, SECOND BY Knieff to recommend to City Council an approval as recommend by staff. ALL VOTED IN FAVOR OF THE MOTION.
4. Gutman advices that these changes are mostly technical in nature caused by the development of the City Tree Policy and creation of an Interim Use Permit concept that allows temporary deviations from the Ordinance. It is similar to Conditional Use Permit but allows time limits. It also cleans up some language and clarifies some concepts. Staff recommends approving the revisions amending Section 86-247 Landscaping and 86-248 Storage. Schroeder MADE A MOTION, SECOND BY Lee to recommend to City Council an approval as recommend by staff. ALL VOTED IN FAVOR OF THE MOTION.
5. A MOTION WAS MADE BY Knieff, SECOND BY Fox to adjourn the meeting. ALL VOTED IN FAVOR. Chairman Edblom declared the meeting adjourned.

Respectfully submitted,
Chris DeVos, Recording Secretary