

Marshall Planning Commission
Report to City Council – Request for Conditional Use Permit
906 Cheryl Avenue, City of Marshall, Lyon County, Minnesota

WHEREAS, the office of the City of Marshall Zoning Administrator received an application for Conditional Use Permits dated August 6, 2024, for a two-family dwelling under single ownership related to property located at 906 Cheryl Avenue,

WHEREAS, the applicant for the Conditional Use Permits was the property owner Matt Schnoor,

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 R-1 Low density residence district as defined in Ordinance Sec. 86-97 and two-family dwellings under single ownership is a conditional use in an R-1 Low density residence district;

WHEREAS, a public hearing was scheduled for October 9 , 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 the R-4 multiple family district in the back and an adjacent building is a duplex.
- (2) The property is located at the corner of Kathryn Avenue and Chery Avenue providing adequate access.
- (3) Since this use is existing, no additional traffic will be generated.
- (4) The standard R-1 landscaping requirements are applicable.
- (5) The standard R-1 outside storage provisions are applicable, which generally prohibit any outside storage.
- (6) The standard R-1 accessory buildings provisions are applicable, which limits the number of accessory buildings to two.
- (7) The building is about the same size as adjacent houses and is not excessive and compatible with other houses in the area.
- (8) The lot area is 8,400 SF which will meet the Ordinance requirements after the proposed change is adopted.
- (9) The house has an attached garage and a driveway wide enough for three cars, so it meets the Ordinance requirement of two spaces per dwelling unit.
- (10) The density of the area will stay within limits for low density residential area as defined in the City Comprehensive Plan (less than 6 units per acre).
- (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 this use (each unit already has separate utilities).
- (14) Since this is a single ownership, the owner is required to take care of the building in the same manner as a single-family building.
- (15) The building and its use as a two family dwelling has been in place for decades, so approval of a CUP will not have 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.

NOW THEREFORE, it is recommended by the Planning Commission to the Marshall City Council that the Conditional Use Permit for a duplex in an R-1 Low Density residence District be approved as recommended by staff with a condition that lower level exit is separated from the garage as required by the Building code and a building permit is obtained for this work . The motion offered by _____ and seconded by _____ , and declared carried on the following vote:

Ayes:

Nays:

Abstained:

Passed:

Marshall Planning Commission

By: Cathy Lee

Its: Chair