

RESOLUTION NO. 24-081

**RESOLUTION APPROVING
CONDITIONAL USE PERMIT
WITHIN THE CITY OF MARSHALL, MINNESOTA**

WHEREAS, the office of the City of Marshall Zoning Administrator received an application for Conditional Use Permit dated July 1, 2024, for a parking lot related to property located at:

LOCATION: 306 and 308 South 6th Street.

LEGAL DESCRIPTION: Lot 1 of Gillett and Simmons Addition; Lot 2 of Gillett and Simmons Addition

WHEREAS, the applicant for the Conditional Use Permit was the property owner Turkey Valley Farms,

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 currently zoned R-1 One Family Residence District but is requested to be rezoned to R-2 One To Four Family Residence District as defined in Ordinance Sec. 86-98, and parking lots are a Conditional Use in this district;

WHEREAS, a public hearing was scheduled for August 14, 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) This area is located next to a Turkey Valley Farms and other commercial entities, including parking lots.
- (2) The property has adequate access from South 6th Street.
- (3) No additional traffic will be generated if this CUP is granted as this parking lot will accommodate Turkey Valley Farms employees currently parking on the streets.
- (4) Landscaping is to be compliant with the ordinance and is included in conditions.
- (5) The standard R-2 outside storage provisions will be applicable (outside storage is mostly prohibited in an R-2 district).
- (6) The standard R-2 accessory buildings provisions will be applicable, but no accessory buildings are planned.
- (7) Not applicable.
- (8) The parking lot will be designed to fit on the available lots.
- (9) The parking lot will be designed to meet all ordinance requirements.
- (10) The density of the area will not change.
- (11) Not applicable to Conditional Use Permits.
- (12) The lot is unremarkable and similar to adjacent lots.
- (13) Existing utility and public service facility will not be utilized for proposed use.
- (14) All standard maintenance provisions will apply.
- (15) The use should not be injurious to surrounding area and to the community due to attached conditions and because it will reduce street parking.

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.

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 September 10, 2024, Council meeting,

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Marshall that the City Council accepts and adopts the findings of the Planning Commission and the following findings:

1. Because of the nature of the proposed use and its location, the requested conditional use will not:
 - a. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this Code.
 - b. Violate any Ordinance provisions.
 - i. The conditional use will be in harmony with the general purpose and intent of the City Code and will not be injurious to the neighborhood or otherwise

detrimental to the public welfare.

- ii. The proposal is consistent with existing and future land uses in the area.

FURTHER, BE IT RESOLVED, that the City Council of the City of Marshall hereby approves the requested Conditional Use Permit, 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. This Conditional Use Permit shall become effective upon filing a certified copy of the signed resolution of approval with the County Recorder pursuant to Minnesota State Statute 462.3595 to ensure the compliance of the herein-stated conditions.
4. 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.
5. The owner shall obtain all relevant and required permits prior to beginning any work.
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

Mayor

ATTEST:

City Clerk