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**MINUTES OF THE
MARSHALL PLANNING COMMISSION MEETING
OCTOBER 13, 2021**

MEMBERS PRESENT: Schroeder, Lee, Fox, and Muchlinski

MEMBERS ABSENT:

OTHERS PRESENT: Ilya Gutman, Jason Anderson, and Don Edblom

1. The meeting was called to order by Chairperson Lee. She asked for the approval of the minutes of the September 22, 2021, special meeting of the Marshall Planning Commission. Fox MADE A MOTION, SECOND BY Muchlinski, to approve the minutes as written. ALL VOTED IN FAVOR OF THE MOTION.

2. Gutman explained that this request by the owner and Marshall Public Schools is for a conditional use permit to have a Career and Technical Education center. Career and Technical Education, or CTE, courses provide extended opportunities for participants to increase their knowledge of an identified field of interest and gain employability skills and some entry-level technical knowledge or skills. Classes taught at this center will focus on hands-on training and work readiness skills and will be mostly automotive and construction related: Welding, Auto Body, Auto Mechanics, Electrical, Plumbing, HVAC, and Certified Nursing Assistant (CNA). Students will be coming to this building for these classes but will be taught regular high school courses in other school buildings. There may be up to 50 to 60 students in this building at a time. This area is in an I-2 General Industrial District. Ordinance lists industrial training schools as a permitted use in this district. The use proposed by the School District seems to be similar to the permitted use and therefore eligible for a Conditional Use Permit as a use of the same general character as a permitted use. Definition of a principle use that determines zoning district placement and compliance includes a requirement to occupy at least 75 percent of the building; as the only class not related to construction and technical field, CNA class will be limited to not more than 25 percent of the students by one of the conditions. To limit traffic and other impact on surrounding area, the number of students is limited to 60 at a time and an adequate parking lot is required by additional conditions. Staff recommends approval to the City Council of the request of Sandra K Mosch for a Conditional Use Permit for a Career and Technical Education Center as a use similar to a permitted use with the following conditions: 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. 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. 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. 4. That the property is updated to conform to the Building Code. 5. That no more than 60 students will be present at a time and no more than a quarter of them is involved in CNA course. 6. That paved parking will be provided as required by Ordinance. Gutman said if you have questions the Superintendent and the Finance Director are here for questions. Jeremy Williams, Superintendent, said there is big need for this type of training that we will be able to offer. The plan is to first move the welding and CAN with more to be added later. This site will give more room to expand. Gutman explained it is his understanding that students would come and go. Williams said yes, that is correct, they would be there for a specific class and back to the school for the core classes. Fox asked if this would create jobs. Williams said yes, it absolutely would create more jobs. School would be looking to hire more teachers. Fox inquired on a potential start date. Williams responded that they believe it would be the fall of 2022. Schroeder MADE A MOTION, SECOND BY Fox to close the public hearing. ALL VOTED IN FAVOR OF THE MOTION. Fox MADE A MOTION, SECOND BY Schroeder to recommend approval to City Council as recommend by staff. ALL VOTED IN FAVOR OF THE MOTION.

3. Gutman advised that in the last decade, a trend to use one's house (or apartment) for short term rent has been growing; it started with an Airbnb and expanded to VRBO platform. It is widespread in areas popular by tourists and in big cities, but it recently came to Marshall as well. Both platforms allow the owners to stay during rental term or leave and allow unlimited use of the dwelling, but it is difficult to determine what owners choose in each particular case. Based on staff's research, there are several locations in town providing these services. Staff had been aware of some of them but did not see acting on it as an immediate concern until a complaint received recently about one of the locations. Staff recognized that the City had to act and asked for directions from the council, which directed staff to write a new ordinance to address the issue after a meeting where neighbors' complaints were aired. The staff's research has shown that some cities do not address this issue in their ordinances directly, probably because it is relatively new. The cities that do address it mostly do it through the rental license approach. Since Marshall does not have a rental code, it is not possible to use it, so staff proposes to use an interim use permit approach, similar to home occupation. This process will allow people to apply for a one-year interim use permit and then ask to renew it. The proposed attached conditions will mitigate the potential negative impact on the neighborhood and will mitigate the inconveniences neighbors may experience. A few other Ordinance sections were slightly amended and are included in the packet. Section 70-21 Definition was changed to allow taxing of short-term rentals and bed and breakfast facilities. Home occupation and bed and breakfast sections were slightly changed to make them more consistent and similar to short term rentals section. And finally, Outside storage section was changed to allow gravel at outside storage areas. Staff recommends the recommendation to the City Council approving the Ordinance amendments that add a new Section 86-52 Short-term Rentals and amending 86-50 Home Occupations, 86-51 Bed and Breakfast, 86-248 Outside storage, and 70-21 Definitions. Muchlinski said he thinks this is great because it is the trend, and we need to put thoughts into it. Fox ask how it is enforced. Anderson said by complaints. There is key language that should help with the enforcement, so review 6a that says: if you live in and you are running a short-term rental, someone needs to be around or can be there within 30 minutes if the tenants need something fixed. If you don't live there and if you bought a house for the purpose of an Airbnb, all neighbors have to be in agreement with this. Gutman said it will be tough to get a residence just for a short-term rental. Lee questioned as to what is considered a neighbor. Anderson said it states that they have to be adjacent. Gutman went over the conditions. Anderson advised that Gutman had extensively gone over requirements in other towns. Fox asked if he could rent his parents' house out when they snowbird south and what if he is too busy and doesn't get the permit. Anderson explained it would be followed up if we received a complaint. Lee asked about the 30 minutes which she feels is not realistic. Anderson suggested that maybe that language be flagged. Lee asked what about the difference in the 5 bedrooms versus the 4 bedrooms. Gutman explained that in a B&B the people live there, so they are in one bedroom. He went over a few other items: only 1 car parked on the street, the property cannot be for sale, and limit to at least 2 nights stay to discourage 1-night parties. Lee said she could see people wanting 1 night if in town for a game or wedding. Schroeder stated that the person renting would probably have their own requirements, because they won't want a party and mess. Gutman said there is a difference in VRBO in Florida versus Marshall, because we are not a tourist destination. Anderson added to keep in mind that, since we are not tourist location this gives visitors the opportunity to skip the local hotels in the area. Gutman asked what availability condition the commission would like to see instead of 30 minutes. Lee stated she would like it to just state "be available". Anderson inquired on the 2-night minimum. Lee said she would like that removed. Muchlinski said he likes that condition where

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there is a minimum requirement. Lee said another one she marked is the no pets. Anderson stated that could be up to the property owner. Fox said all he is in favor of is the tax portion and the rest is nonsense. Anderson asked if he would be ok if it was his neighbor. Fox stated that he would be ok with that; he said his neighborhood is already loud. Gutman said this ultimately came up because of a complaint, so that is the reason for the restrictions. It is to ensure that there are things that have to be followed to be able to have this in the neighborhood. Anderson said that if you don't have rules, there would never be a chance to pull the permit. Fox said Airbnb people are mostly quiet. Lee said if she were a neighbor, she would want some ordinances from the city. Muchlinski and Schroeder agreed with her. Anderson asked how they feel about 6b. Lee said she didn't know if it was legal. Gutman stated that we can put in any requirement. Anderson said he doesn't think both neighbors would ever be in agreement. Gutman added that he wasn't sure, because it could be a bargaining item to get a neighbor to improve their property. Anderson asked if the commission wants to remove 6b and 12. Gutman questioned if the commission wants to remove a condition that the renter is required to be at least 25. Lee said she thinks it should be removed. Fox said it is age discrimination and who is going to check renter's age. Anderson explained we don't have the staff to check on these items; it is mostly for guidance. Muchlinski said if they only want one night, they should go to the hotel. Gutman explained that this may be cheaper than a hotel if you have 3 or 4 couples. Muchlinski said he would like 12 to stay but he will forgo keeping that item to have the rest of his changes. Lee said the owners could also have their own rules. Lee recapped to change 6a to being available, then remove 6b and 12. Fox added he doesn't feel the need for a fence to be there either, however, he is against all of it except the tax. Anderson said we could remove the solid fence and add a clear designation of the lot lines, so you don't just have people all over. Gutman stated these items are more to protect the neighbors. Muchlinski said a fence is good, it may keep the peace. Gutman said it maybe helpful to have separation. Muchlinski MADE A MOTION, to recommend to City Council with changing 6 to available and removing 6b and 12 with the rest as recommend by staff. Schroeder said she thinks the fence is too restrictive, but they should still have clear designation of the lot. Muchlinski agreed to have the fence removed. A MOTION WAS MADE BY Muchlinski, SECOND BY Schroeder to recommend to City Council with removing the fence requirement, 6b and 12 then changing 6a to available and the rest as recommend by staff. MOTION PASSED 3 to 1 with Fox voting against.

4. Lee asked for updates on the comprehensive plan. Gutman said right now our consultants are writing a community profile, the summary of current conditions and what is here: They are also designing a survey to go out to Marshall residents. There will be a task force meeting in late October to review the survey questions and offer input. Schroeder said she thought the last task force meeting was well run but would like to see more people at the meetings: there were 7 of the 12. Consultants went over strengths and opportunities. And were very open to working with everyone, and to new ideas. Anderson said he think we will try for 2 hour meeting next time, because it seemed like they ran out of time. Muchlinski added that he feels the input will be very important and the SWAT analyses was excellent. Schroeder said it was a cool way to brainstorm. Anderson said they spent a lot of time in the community that day, which gave them the opportunity to talk with all people. Anderson explained that they also want to create a brand that you can identify with and describes Marshall. Lee asked who the survey is going to. Anderson said currently it will be online. Fox said to put it in the MMU billings. Gutman said any one can spread the word. Lee said it is hard to get all of the residents. Fox asked when the new branding logo was created. Gutman said about a year and half ago. Muchlinski said that is good to play off.

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Schroeder said yes, they are working towards that. We need to put our name on the map, so they are looking for something, but Ice Cream Capital of the World was already taken. She asked if anyone had anything they wanted brought back to the task force. Lee said she is concerned on reaching the residents of Marshall.

5. In other business Gutman thanked Lee on her recruiting for the commission. Lee went over the places that she has approached people at. She said there is some downtown businesses that she is going to reach out to yet.
6. A MOTION WAS MADE BY Muchlinski, SECOND BY Schroeder to adjourn the meeting. ALL VOTED IN FAVOR. Chairperson Lee declared the meeting adjourned.

Respectfully submitted,
Chris DeVos, Recording Secretary