

**MINUTES OF THE
MARSHALL PLANNING COMMISSION MEETING
JUNE 12, 2024**

MEMBERS PRESENT: Pieper, Deutz, Agboola, Muchlinski, Doom
MEMBERS ABSENT: Stoneberg, Lee
OTHERS PRESENT: Jason Anderson, Ilya Gutman, Amanda Schroeder
Steven Anderson (via Zoom), Pamela Whitmore (via Zoom)

Call to Order.

The meeting was called to order by Vice Chairperson Doom.

Approval of the Agenda

Anderson requested to move agenda item 5, Registration/Zoning for THC retail sales, to the top of the agenda. MUCHLINSKI MADE A MOTION, SECOND BY DEUTZ, to approve the agenda. ALL VOTED IN FAVOR OF THE MOTION. MOTION PASSED 5:0.

Approval of the Minutes.

Vice Chairperson Doom asked for the approval of the minutes of the May 08, 2024, regular meeting of the Marshall Planning Commission. PIEPER MADE A MOTION, SECOND BY DEUTZ, to approve the minutes as written. ALL VOTED IN FAVOR OF THE MOTION. MOTION PASSED 5:0.

Registration/Zoning for THC retail sales

Pamela Whitmore, City Attorney, shared the Registration is a proposed ordinance under Chapter 22 – Businesses. This would allow for the registration of any retailer selling lower-level intoxicating hemp products. Whitmore informed this would enable the city to do enforcement and compliance checks for labeling and age sale. Whitmore shared part of the Zoning amendment is for Home Occupation, which would prohibit sales of these products in home occupations. Whitmore informed the second part of the Zoning amendment is for various business districts to allow sales but put a buffer from schools for these retail sales to be at least 500 feet from a primary building. Due to the nature of the locations of different businesses, staff would be including the line from the center of the primary building instead of the property line. The reason this is happening now is the sale of lower-level product has been allowed on sites with liquor licenses. L&O wanted to make sure other retailers would have the ability to sell as well. Deutz asked when the state law would take place. Whitmore answered the law has already passed but it would be operational sometime after January 2025. They have granted an OCM the ability to preapprove people, starting with social equity applicants and limiting the number of licenses. This is higher and lower level; they would get all the paperwork turned in and then after they get their licensing the state would check with the people who they “preapproved” to see if it is in a location that is zoning appropriate. MUCHLINSKI MADE A MOTION, SECOND BY AGBOOLA, to close the public hearing. ALL VOTED IN FAVOR. AGBOOLA MADE A MOTION SECOND BY DEUTZ to approve the 500 ft proposed buffer from schools as measured from the school building and also to prohibit home occupation registration. ALL VOTED IN FAVOR. MOTION PASSED 5:0.

Conduct a Public Hearing on a Conditional Use Permit for a Triplex in a B-1 Limited Business District.

Gutman informed this is a request by the owner for a Conditional Use Permit to allow creating a third apartment in a building out of existing commercial space. This building is located in a B-1 Limited Business District. Apartment buildings are a Conditional Use in a Limited Business District. There used to be a License bureau in this building along with two apartments. The bureau has moved, and the owner wants to replace it with another apartment, bringing the total number of apartments in the building to three. This building is located in downtown district, so yards, parking, and lot coverage regulations are not applicable. This lot was rezoned to B-1 Limited Business district in 1986 to allow business use. DEUTZ MADE A MOTION, SECOND BY MUCHLINSKI, to close the public hearing. ALL VOTED IN FAVOR. PIEPER MADE A MOTION, SECOND BY DEUTZ to recommend a motion to recommend to City Council an approval of the request to grant a Conditional Use Permit for a triplex in a B-1 Limited Business District. ALL VOTED IN FAVOR. MOTION PASSED 5:0.

Consider the request for a Conditional Use Permit to install a Billboard at 1604 East College Drive

Gutman informed that the owner applied for a Conditional Use Permit for an advertising sign at 1604 East College Drive. This sign will be a traditional billboard, not a digital sign. The applicant requests two panels total, 17 feet by 20 feet each, installed at about 20-degree angle to each other to face traffic in both directions. The overall height of the sign is requested to be 30 feet. Each side is less than the maximum allowed length of 55 feet and there are no residential districts or other advertising signs within 100 feet of the proposed sign, so this request meets specific requirements for advertising signs. Tom Wicks, Summit locations leasing agent, informed the billboard will be a 17x20 vinyl billboard. Wicks shared they are not Christian based, but the owner is, so no alcohol or gambling advertising will be allowed. Deutz asked what the cost was to rent from Summit Locations. Wicks said it is on average about five hundred to seven hundred dollars a month, but it could vary. MUCHLINSKI MADE A MOTION, SECOND BY DEUTZ, to close the public hearing. ALL VOTED IN FAVOR. MUCHLINSKI MADE A MOTION SECOND BY DEUTZ to recommend to City Council an approval of the request of the Owner for a Conditional Use Permit for an advertising sign at 1604 East College Drive, subject to the conditions ALL VOTED IN FAVOR. MOTION PASSED 5:0.

Airport Zoning Ordinance and amend a Zoning map

Anderson stated that the Joint Airport Zoning Board (JAZB) last met for a public hearing on the proposed SW MN Regional Airport Zoning Ordinance on September 5, 2023. At that meeting, the JAZB recommended approval of the proposed airport zoning ordinance and authorized the submittal to MnDOT Aeronautics for review. Following this meeting, TKDA staff submitted the ordinance and supporting documents to MnDOT-Aeronautics for their review and consideration. MnDOT agreed that the JAZB made efforts to comply with MN State Statutes and that proper steps were taken, and the Director of MnDOT Aeronautics approved the airport zoning ordinance. Included with the packet is the Commissioner's Order from MnDOT. The final step and process for the JAZB was to adopt the airport zoning ordinance on 2/6/2024. MnDOT required a formal JAZB resolution, included in the packet, with signatures from the members of the JAZB. Anderson shared the zoning map and explained each of the different colored prisms and circles represent different zones. Inside prisms are Zone A and there should be no buildings inside this zone. The Green areas on the zoning map are Zone B and they're supposed to be density restricted. Inside the black area on the zoning map is Zone C and there are very limited regulations inside this zone beyond height restrictions, no glare and no waterfowl attractants. Deutz asked if there were any height restrictions in town. Anderson replied there was, but it would depend on where you were located. Anderson shared they did write exceptions for existing uses specifically for Zone A and Zone B. Anderson informed if you already have a use in Zone A and Zone B, it can continue to exist, but you cannot expand beyond the use. Moshood asked what's the tallest building that can be put withing Zone C. Anderson replied when you get away from the runway the height is not an issue. Anderson shared height restrictions become a major issue by Zone A. DEUTZ MADE A MOTION, second by AGBOOLA, to close the public hearing. All VOTED IN FAVOR MUCHLINSKI MADE A MOTION, SECOND BY DEUTZ, to recommend to the City Council adding Article 86-VII Airport Zoning to the Zoning Ordinance and revising zoning map by adding airport safety zones. ALL VOTED IN FAVOR. MOTION PASSED 5:0.

Other Business

Deutz asked if there were any plans for new welcome signs for the City of Marshall. Anderson responded it had been brought up a few years ago but nothing has been pushed or acted upon. The difficulty was with the 7 different State Highway access, it could get costly. Deutz asked if the Armory was undergoing renovation. Anderson informed they are doing a renovation and an addition, but that was a state project. Muchlinski asked if there were any developers for the old west side school lot. Anderson said he has not heard of any. Since there was no other business, PIEPER MADE A MOTION SECOND BY DEUTZ, to adjourn the meeting. ALL VOTED IN FAVOR. MOTION PASSED 5:0 Vice Chairperson Doom declared the meeting adjourned.

Respectfully submitted,
Karla Ellis, Recording Secretary