

CONDITIONAL USE PERMIT

City of Marshall, Minnesota

WHEREAS, the Planning Commission of the City of Marshall has held a Public Hearing for a Conditional Use Permit for a digital billboard. The legal description of the property is:

Wilke-Miller-Buesing 1st Addition Part of Lot 2 Block 2 Except Part of Lot 2 to Greg Taylor Except Part Lot 2 to Ken Holm Except Part Lot 2 to BN Kor Investments
City of Marshall, County of Lyon, State of Minnesota
(507 South Highway 23)

and; in accordance with and pursuant to the provisions of Chapter 86 of the City Code of Ordinances related to zoning; and has written findings that the establishment, maintenance or conducting of the use for which the permit is sought will not under the circumstances be detrimental to the health, safety, morals, comfort, convenience or welfare of the persons residing or working in the area adjacent to the use, or to the public welfare, or injurious to property or improvements in the area adjacent to such use; and,

WHEREAS, the Planning Commission has designated certain conditions in the granting of such use permit,

NOW THEREFORE, be it resolved by the Common Council of the City of Marshall, Minnesota, that a Conditional Use Permit be granted to BN Kor Investments LLC, for a digital billboard on the premises described herein subject to the following conditions:

1. The sign must be installed as shown on attached sketch. A survey showing exact sign location by the registered land surveyor shall be filed with the City of Marshall prior to sign installation. The sign or any part thereof shall not encroach into any public right-of-way or adjacent property.
2. This permit is for the sign structure described as follows:
 - a. Two panels will be installed at an angle to each other.
 - b. Each sign shall be no greater than 12 feet by 25 feet.
 - c. The overall height of the sign shall be no more than 30 feet.Prior to sign installation, a sign permit application must be applied and paid for. Structural drawings showing sign footing and foundations shall be signed by a registered professional engineer and submitted along the sign permit application
3. The sign structure shall be maintained in a safe condition and all surfaces maintained without blemish or defects. The current land and sign owner, and all future sign and landowners are fully responsible for maintenance, together or separately.
4. The sign shall comply with the following in regard to image change and brightness:
 - a. Image Change Frequency: Not more often than every 6 seconds.
 - b. Image transition shall be instantaneous without any special effect.
 - c. Image maximum illumination shall be not more than 0.3-foot candle above ambient light at a distance of 150 feet from sign face.
 - d. No flash or moving images are allowed.
 - e. The sign brightness shall adjust depending on ambient light conditions.
 - f. The sign image shall be discontinued in case of sign malfunction.

5. The sign owner shall adjust the sign brightness if the City finds it to be too bright and interfering with driver's operation of motor vehicle and official traffic control.
6. The City of Marshall is granted the right to utilize this sign for any safety related messages when necessary.
7. Obtain the required permit from the State Department of Transportation.

ADOPTED April 26, 2022

ATTEST:

Mayor

City Clerk

This Instrument Drafted By:
Jason R. Anderson, P.E.
City Engineer/Zoning Administrator

(SEAL)

File No. 1150