

**MINUTES OF THE
MARSHALL PLANNING COMMISSION MEETING
MAY 14, 2025**

MEMBERS PRESENT: Doom, Muchlinski, Lee, Pieper, Runchey, Stoneberg, Deutz
OTHERS PRESENT: Ilya Gutman, Jason Anderson, Amanda Schroeder

Call to Order.

The meeting was called to order by Chairperson Lee.

Approval of the Minutes.

Chairperson Lee asked for the approval of the minutes of the April 9, 2025, regular meeting of the Marshall Planning Commission. DOOM MADE A MOTION, SECOND BY STONEBERG, to approve the minutes as written. ALL VOTED IN FAVOR OF THE MOTION. MOTION PASSED 7:0.

Conduct a public hearing on the request for an Interim Use Permit to have a reduced setback for a garden in an R-1 Low Density Residence district at four adjacent lots

Gutman shared this is a request for an interim use permit to allow a rain/pollinator garden to extend to the property line in an R-1 Low density residence district. The proposed garden will be 12 feet wide and will be centered along the rear property line between four adjacent lots. Section 86-247 (a) (5) requires that all vegetable, flower, and pollinator gardens are located at least five feet from the property lines, and this distance is increased to 15 feet on lots with no principal use. Out of four lots an IUP is asked for, two have houses and two are vacant. The land is naturally low along the rear east-west property line, so both owners want to have a pollinator garden there since this area is frequently flooded and cannot be used in any other way. Section 86-46 (b) allows issuing Interim Use Permits for “any use that is seasonal or temporary in nature,” which any garden clearly is. Interim use permits allow setting an expiration term, and staff recommendation is to set an expiration for each parcel when it is sold or otherwise changes the ownership. Steven Anderson, 402 Berlin Circle, shared that after a good amount of rain, the swale area gets so saturated that it becomes soft and difficult to mow. Jason Anderson stated there are utilities in that specific area and Gopher Locate will need to be called and be made aware of the work that will take place. Stoneberg asked what would happen if the property sold. Gutman shared the existing permit would expire and not transfer to the new owners, who would need to apply for a new Interim Use Permit. DOOM MADE A MOTION, SECOND BY MUCHLINSKI, to close the public hearing. ALL VOTED IN FAVOR. MUCHLINSKI MADE A MOTION, SECOND BY STONEBERG to recommend approval of the request for an Interim Use Permit for a zero setback for a rain/pollinator garden for all four parcels, subject to the conditions as written by staff. ALL VOTED IN FAVOR. MOTION PASSED 7:0.

Conduct a public hearing on Ordinance amending Section 86-29 Variances and 86-48 Procedures.

Gutman explained that by Minnesota Statutes, and their interpretations, variances and conditional use permits may not have time limits, such as sunset provisions. However, it appears that it may be possible to limit timing between granting such a permit and its commencement or implementation. Several cities have such limitations, and our City attorney confirmed that we may implement such limits. The reason for this approach is that circumstances change, and a request that met Ordinance prescribed conditions at some point may not meet them in a year. As a result, it becomes reasonable to apply a “use it or lose it” concept. To make the difference between the two seemingly similar items mentioned above, it may be helpful to use an example. If someone applies for a conditional use permit for a duplex in a low-density residential district, it is granted, and they start their duplex construction in a month, their CUP cannot be revoked at any time unless they violate CUP’s conditions. However, if they don’t start construction (and in this case, we would consider an application for a building permit as an equivalent of starting construction), their CUP will expire in a year, unless they ask for extension at least one month prior to its expiration. If an extension is not asked for, or not granted, they will need to re-apply later for another CUP if they want to build this duplex in the future. In fact, this provision was first added to the Ordinance in 2013, for both variances and conditional use permits, but then it was removed for CUP’s in 2019, due to an incorrect interpretation that such provision would be illegal. Consequently, staff suggest adding this provision back to Conditional Use regulations; simultaneously, for the variance ordinance, where this provision has been in existence since 2013, staff recommend shifting decisions on extensions to staff, while also limiting it to a single one-year extension. DOOM MADE A MOTION, SECOND BY STONEBERG, to close the public hearing. ALL VOTED IN FAVOR. DOOM MADE A MOTION, SECOND BY STONEBERG to recommend approving the revisions amending Section 86-29 Variances and 86-48 Procedures as presented. ALL VOTED IN FAVOR. MOTION PASSED 7:0.

~~–UNAPPROVED–~~

Other Business:

Chairperson Lee asked for nominations for 2025/2026 officers. Chairperson Lee stated that even though her term is up in May, she plans to be on the Planning Commission until her replacement is found and the Commission is full. Doom nominated Cathy Lee for Chairperson. DOOM MADE A MOTION, second by STONEBERG. All VOTED IN FAVOR, MOTION PASSED 7:0. Chairperson Lee nominated Larry Doom for Vice Chairperson. PEIPER MADE A MOTION, second by DEUTZ. All VOTED IN FAVOR, MOTION PASSED 7:0.

Adjourn

Since there was no other business, DOOM MADE A MOTION, SECOND BY STONEBERG, to adjourn the meeting. ALL VOTED IN FAVOR. MOTION PASSED 7:0. Chairperson Lee declared the meeting adjourned.

Respectfully submitted,
Karla Ellis, Recording Secretary