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**MINUTES OF THE
MARSHALL PLANNING COMMISSION MEETING
NOVEMBER 9, 2022**

MEMBERS PRESENT: Lee, Deutz, Doom, Stoneberg, Pieper and Muchlinski

MEMBERS ABSENT:

OTHERS PRESENT: Jason Anderson, Ilya Gutman, Dennis Simpson, and Amanda Schroeder

1. The meeting was called to order by Chairperson Lee. She asked for the approval of the minutes of the September 14, 2022, regular meeting of the Marshall Planning Commission. Deutz MADE A MOTION, SECOND BY Stoneberg, to approve the minutes as written. ALL VOTED IN FAVOR OF THE MOTION.
2. Chairperson Lee call for an election for a Vice Chair. Deutz nominate Muchlinski second by Stoneberg. Vice Chair is Muchlinski.
3. McNally Management LLC applied for a Conditional Use Permit for an advertising sign at 705 West Main Street. Gutman explained that the memo is incorrect. This is not a LED changing billboard; this is a tradition billboard that has vinyl advertising. Chad Hagar with Summit Locations was attending by Zoom. Hagar said it is correct; this is much like the traditional billboards. Doom asked for clarification if this sign is going to be lighted. Hagar explained it is a lighted sign, but it is lighted to illuminate the face. Gutman said that with this being a traditional billboard, we will remove conditions 4, 5 and 6 from the recommendation, because they are not applicable to the traditional billboard. The new billboard will consist of four panels, 8 feet by 20 feet each, installed one above each other and at an angle to each other to face traffic in both directions. The overall height of the sign is requested to be 32 feet. Each panel size is less than maximum allowed length of 55 feet and there are two sign panels per side, as limited by the ordinance. All conditions may be revised, or new conditions added by both the Planning Commission and the City Council. Staff recommends a motion to recommend to City Council an approval of the request of McNally Management LLC, for a Conditional Use Permit for an advertising sign at 705 West Main Street, 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 double panels will be installed at an angle to each other (four sign panels total).
 - b. Each sign panel shall be no greater than 8 feet by 20 feet.
 - c. The overall height of the sign shall be no more than 32 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. Obtain the required permit from the State Department of Transportation.Muchlinski MADE A MOTION, SECOND BY Deutz to close the public hearing. ALL VOTED IN FAVOR OF THE MOTION. Muchlinski MADE A MOTION, SECOND BY Stoneberg to recommend to City Council as recommended by staff with conditions 1 through 4. ALL VOTED

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IN FAVOR OF THE MOTION.

4. Gutman said this is a request from the owner to approve building a new store with five feet side yard instead of required 10 feet side yard and provide 29 parking space instead of required 33 spaces. The new building is proposed to be built five feet away from the east property line. The owner wants to maximize the width of the driveway located on the west side of the lot and leading to the required parking in the back. The owner also wants to reduce parking to free space for required landscaping; they state that parking as suggested (4 spaces fewer than required) will be adequate based on experience and estimates of store foot traffic. Granting of a variance may be permitted only if the request meets the “practical difficulties” test, which requires that proposed use is reasonable (it is); the problem is caused by the conditions unique to this property (the property is relatively small, but that can be resolved by slightly reducing the building size or shifting it and there is enough room for required parking and landscaping); and that granting the variance will not change the character of the area (no other building around has a five foot side yard, even though the “character” of the area will most likely not be affected). It seems that two out of three conditions are at least partially not met. Staff recommends denial to the City Council of the request by Levi Bond / Iron Horse Development for a Variance Adjustment Permit to have a reduced side yard and reduced parking. Levi Bond went over the variance conditions that made this unique: it is a redevelopment of a property for a Family Dollar chain, so the building is fixed in its size. It is also placed on existing lot in an area developed long ago. He talked about character of the area and listed 2 other businesses that do not meet the set back. He said Family Dollar stores have been doing well. Deutz asked if the extra 5 ft on the East are to give the extra 5 ft to drive on the west. Bond said yes. Doom questioned the parking in the rear and if to get into the store one will still need to go to the front. Bond said it is more for staff and to meet more of the parking requirements. Lee asked how many parking spots are in the front. Bond said 17. Schroeder asked what the plan is if the variance is not granted. Bond said they would have to go back to the tenant. Doom questioned driveway width. Bond said making it narrower would make it more difficult for the delivery trucks to get through. He said in the past people have driven on each other’s property and that is something they do not want to do. Lee asked if she goes and must park in the back, is there a sidewalk to get to the front. Bond said it will be completely paved. Doom said the neighbor is concerned about driving on their lot; is there a plan for putting in a curb. Bond said that was not the plan and that they reached out about shared access, but the neighbor never got back. They can put in a curb if Planning Commission want to require that, but they are just putting it back the way it was. Muchlinski asked if they can make building smaller. Bond said no, these are all predesigned. Stoneberg asked if in reality they are only expecting 17 people in the store at the same time. Bond said that is correct; 5 to 10 at a time is typical and people are usually in and out in about 5 to 10 minutes. Ultimately, if the tenant is comfortable, then it is believed to be enough as the tenant wouldn’t want to lose business. Doom asked if they could put 4 more parking spaces in the back. Bond said they can, but then they wouldn’t be able to meet the landscaping ordinance. They like to have the green space to help with run off. Schroeder inquired if there is a concern for drainage issues. Anderson said staff have not got into that yet, but he believes they will be just fine. Muchlinski asked if there are other properties that don’t meet the set back. Anderson said yes, some are older buildings that were built before the ordinance. Pieper asked if there is any negative impact in setting a precedence. Anderson said when we make all of our decisions, we need to think about future implications. Gutman said the main thing is consistency. Doom MADE A MOTION, SECOND BY Muchlinski to close the public hearing. ALL VOTED IN FAVOR OF THE MOTION. Doom said the lot has been vacant for a long time, so when we can develop it, it’s a benefit to the city and just like several lots in that area, they are long and narrow. The safety with the trucking in and out needs consideration. Gutman said the Planning Commission can add

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conditions. Lee said it would be nice to get a business in that area. Doom said they can put more parking in the back, but we have enough asphalt in the city. Stoneberg asked about the condition to put a sidewalk. Muchlinski said that would defeat the intent where the trucks come through. Doom MADE A MOTION to approve both as requested, since area is an old part of town and those lots are long and narrow. Rather than adding more parking in the back, to have green space is more important and it looks better, SECOND BY Muchlinski to recommend to City Council as requested. ALL VOTED IN FAVOR OF THE MOTION.

5. Anderson informed that Dollar General has purchased two lots for development of their retail store. The building that is being constructed sits atop the lot line that separates the two lots. City of Marshall Zoning Ordinance requires property line setbacks; therefore, a building cannot be constructed over top of a lot line. Due to an error in property descriptions, Lyon County is not allowing for the two lots to be combined into one lot to resolve the lot line issue. To resolve the issue, Dollar General is going through a platting process to resolve description concerns and to combine the existing two lots. Staff recommends a motion to recommend approval of the preliminary plat of DG Marshall to the City Council, subject to utility companies review and recommendations. Deutz MADE A MOTION, SECOND BY Stoneberg to recommend to City Council as recommend by staff. ALL VOTED IN FAVOR OF THE MOTION.
6. Gutman said Ordinance amending Sections 86-205 Access, 86-206 Construction and maintenance, and 86-226 Minimum size regulations are minor changes to parking ordinance brought up by real life. The changes allow for a narrower two-way street access drive beyond required front yard, which will let landowners save money on pavement and reduce impervious surfaces, while not negatively affecting safety; require that principal use parking on the lot be paved, which will prevent large gravel parking lots in business areas, since only accessory parking to the main structure is currently covered by the Ordinance; and increase minimum sidewalk width in front of the shorter parking places to make sure that an accessible path is still available if a vehicle's front projects over sidewalk. Staff recommends the recommendation to the City Council approving the revisions amending Sections 86-205 Access, 86-206 Construction and maintenance, and 86-226 Minimum size regulations as recommended by staff. Muchlinski MADE A MOTION, SECOND BY Deutz to recommend to City Council as recommend by staff. ALL VOTED IN FAVOR OF THE MOTION.
7. In other business. Gutman mentioned the Comp Plan will be published for public comments and then will come to the Planning Commission at the next meeting
8. A MOTION WAS MADE BY Doom, SECOND BY Deutz to adjourn the meeting. ALL VOTED IN FAVOR. Chairperson Lee declared the meeting adjourned.

Respectfully submitted,
Chris DeVos, Recording Secretary