

**Marshall Planning Commission**  
**Report to City Council – Request for Conditional Use Permit**  
**1300 E. Lyon Street and 401 S. Saratoga Street, City of Marshall, Lyon County, Minnesota**

**Findings of Fact:**

1. The office of the City of Marshall Zoning Administrator received an application for Conditional Use Permits related to properties located at 1300 East Lyon Street and 401 South Saratoga Street. The applicant for the Conditional Use Permits was property owner Marshall Public Schools. The application for a Conditional Use Permit was dated October 15, 2019.
2. A written request for a Conditional Use Permit is subject to the Minnesota 60 day rule as codified in Minnesota Statutes §15.99. The 60 day rule requires an approval or denial of a Conditional Use Permit within 60 days of the time Conditional Use Permit request is submitted. If no action occurs on the request for Conditional Use Permit within 60 days, it is deemed approved pursuant to Minnesota Statute.
3. City staff representatives from the Community Planning Department reviewed the application for the Conditional Use Permit. Conditional Use Permits are granted only for uses specifically listed as conditional uses for a particular zoning district. The properties are zoned R-1 One Family Residence District as defined in Ordinance Sec. 86-97. Schools are listed as conditional uses in an R-1 One Family Residence District.
4. Separate public hearings were scheduled for November 13, 2019, to consider the request for Conditional Use Permits. Notice of that hearing was published and was mailed pursuant to provisions of Ordinance Sec. 86-47 and further in compliance with Minnesota Statutes.
5. Public hearings were held as scheduled. At the public hearing, numerous comments were received from the public both recommending denial and recommending approval of the Conditional Use Permit as requested. The Planning Commission considered the following standard criteria for Conditional Use Permit review as outlined in Ordinance Sec. 86-49:
  - (1) Whether the proposed use is designed to be compatible with the existing neighborhood environment and use.
  - (2) Whether the proposed use has adequate access to roads and rights-of-way.
  - (3) The effect of any additional traffic generated by facility.
  - (4) The landscaping, fencing and/or screening plan.
  - (5) The outside storage provisions.
  - (6) The accessory buildings provisions.
  - (7) The facility size.
  - (8) The area of site.
  - (9) The off-street parking facilities.
  - (10) The density of the population and structures.
  - (11) The duration of proposed conditional use.
  - (12) The open space, recreational/plat areas proposed.
  - (13) The availability of existing utility and public service facility.
  - (14) The future maintenance provisions.
  - (15) Whether the proposed use has a positive community need as defined in the comprehensive plan.

- (16) The effect upon the public welfare in general.
  - (17) The effect upon the welfare of the adjacent area, and persons residing or working in the area adjacent to the area.
  - (18) Whether the proposed use will be injurious to the property or improvements in the area adjacent to such proposed use and the community as a whole.
- 6. To properly consider the standard criteria listed above, the Planning Commission review the project site plan and summary traffic study.
  - 7. The conditions proposed by staff were considered and approved by the Planning Commission; those conditions are listed in council memos.
  - 8. At the conclusion of both public hearings, motions were made and seconded to recommend approval of the conditional use permits with the included proposed conditions to the Marshall City Council for consideration. Voting results are listed in council memos.

It is therefore recommended that the Conditional Use Permits be recommended for approval to the Marshall City Council.

Marshall Planning Commission

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By: Don Edblom  
Its: Chair