

**MINUTES OF THE
MARSHALL PLANNING COMMISSION MEETING
OCTOBER 9, 2024**

MEMBERS PRESENT: Pieper, Deutz, Doom, Lee
MEMBERS ABSENT: Agboola, Stoneberg, Muchlinski
OTHERS PRESENT: Jason Anderson, Ilya Gutman, Amanda Schroeder,
Christina Cruz-Jennings (via Zoom)

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 August 14, 2024, regular meeting of the Marshall Planning Commission. DOOM MADE A MOTION, SECOND BY DEUTZ, to approve the minutes as written. ALL VOTED IN FAVOR OF THE MOTION. MOTION PASSED 4:0.

Chairperson Lee asked for the approval of the minutes of the August 21, 2024, special meeting of the Marshall Planning Commission. DOOM MADE A MOTION, SECOND BY PEIPER, to approve the minutes as written. ALL VOTED IN FAVOR OF THE MOTION. MOTION PASSED 4:0.

Conduct a Public Hearing on the Ordinance Amendment to Chapter 86, Article IV, Section 86-97 Low Density Residence District

Gutman shared the ordinance provides for minimum lot size in this district, but also requires enlarged lot for duplexes. However, since duplexes are permitted by a conditional use only, specific lot size limitation for duplexes seems redundant because it will be a part of considerations for granting a conditional use permit. Therefore, staff recommends removing this regulation. DOOM MADE A MOTION, SECOND BY PEIPER, to close the public hearing. ALL VOTED IN FAVOR. DOOM MADE A MOTION, SECOND BY DEUTZ to recommend to City Council approval of the revisions amending Sec. 86-97 Low Density Residence District by removing additional lot size requirements for duplexes. ALL VOTED IN FAVOR. MOTION PASSED 4:0.

Conduct a public hearing on the request of Matt Schnoor for a Conditional Use Permit for a duplex in an R-1 District

Gutman presented this is a request to have a single ownership duplex in an R-1 One Family Residence District. This building was built in 1975 as a single-family residence. In 1986 the owner (different from the current one) applied for a Conditional Use permit for a duplex. However, the request was denied because the lot size was not meeting Ordinance requirements, the windows were not adequate for egress, and the lower unit's only access/exit was through the garage. Despite denial, it seems that the past owners kept using the building as a duplex. In order to bring this building into compliance for rental registration, an approval of the Conditional use permit is necessary. All windows were replaced in 2004 and 2013, and the Ordinance is currently being amended to reduce lots' minimum size for duplexes. Construction to separate the lower unit's exit from the garage has been discussed with the current owner and is included as a condition for approval. Doom asked where the entrance to each unit was located. Gutman informed that both units have their own entrances, but the lower unit's only access/exit is through the garage. In order to grant the conditional use permit, the lower unit's exit would need to be separated from the garage, as required by the Building Code to create full separation. Doom asked why this duplex was allowed without a conditional use permit when it was denied in 1986. Ilya stated it was not allowed. Anderson shared the current owner has applied for a Rental Registration and does not have a conditional use permit for the building located on 906 Cheryl Avenue, which is why they are requesting the conditional use permit. Mary Schuna, 616 W Thomas Avenue, questioned how this would affect the properties values. Anderson stated the City Assessor's office would be the proper office to answer this question, but stated this property has been a duplex for the past few decades and most likely there would be no change to how values are determined today or tomorrow. DEUTZ MADE A MOTION, SECOND BY DOOM, to close the public hearing. ALL VOTED IN FAVOR. PEIPER MADE A MOTION SECOND BY DEUTZ to recommend to City Council an approval of the request to grant a Conditional Use Permit for a single ownership duplex in an R-1 One Family Residence District with the following condition: Lower level exit is separated from the garage as required by the Building code and a building permit is obtained for this work. ALL VOTED IN FAVOR. MOTION PASSED 4:0.

-UNAPPROVED-

Conduct a public hearing on the Ordinance Amendment to Chapter 86, Article II-1, Section 86-31 Prohibited Uses

Gutman shared with the current trend to develop wind towers and all controversy surrounding those developments, it seems reasonable to limit this development at least within the city limits. Proposed restrictions will still allow decorative or single use wind towers, but not commercial developments. DOOM MADE A MOTION, SECOND BY DEUTZ to close the public hearing. ALL VOTED IN FAVOR. DOOM MADE A MOTION, SECOND BY DEUTZ to recommend to City Council an approval of the revisions amending Sec. 86-31 Prohibited uses by limiting wind tower construction. ALL VOTED IN FAVOR. MOTION PASSED 4:0.

Conduct a Public Hearing on the Ordinance Amendment to Chapter 86, Article VI-1, Section 86-165 Structures in Residential Districts.

Gutman informed the current ordinance prohibits fuel tanks over 50 gallons in residential areas. This provision was intended to limit the possibility of using propane to heat the entire house, thus minimizing potential fire danger and unsightly appearance. On the other hand, smaller tanks were permitted to allow for enough fuel for a fireplace or garage heater in otherwise electrically heated houses. It was recently brought up that even a 100-gallon tank will not be enough to provide heat for the entire dwelling, making it reasonable to increase the maximum tank size to 100 gallons. Provision for screening it with a fence will stay. Anderson stated the purpose of this ordinance is to try to find a balance between what is more of an accessory, smaller use of propane and what do you want to allow versus what should not be allowed at all. DOOM MADE A MOTION, SECOND BY PEIPER to close the public hearing. ALL VOTED IN FAVOR. DEUTZ MADE A MOTION, SECOND BY DOOM to recommend to City Council an approval of the revisions amending Sec. 86-165 Structures in Residential Districts to allow tanks up to 100 gallons. ALL VOTED IN FAVOR. MOTION PASSED 4:0.

Other Business

Since there was no other business, DOOM MADE A MOTION SECOND BY DEUTZ, to adjourn the meeting. ALL VOTED IN FAVOR. MOTION PASSED 4:0 Chairperson Lee declared the meeting adjourned.

Respectfully submitted,
Karla Ellis, Recording Secretary