

**RESOLUTION OF THE MANKATO CITY COUNCIL
GRANTING A CONDITIONAL USE PERMIT UNDER
THE MANKATO ZONING ORDINANCE**

WHEREAS, the applicant of the following property located in the City of Mankato, to wit:

part of the West 30 acres of the SW $\frac{1}{4}$, Section 15-108-26, except the South 330 feet of the West 330 feet thereof, AND The SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$; The S. $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$; The SE $\frac{1}{4}$ of the SE $\frac{1}{4}$; The SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Except the West 30 acres thereof; all in Section 15, Township 108, Range 26, Blue Earth County, Minnesota, with some exceptions (R430915400003 & R430915400009).

Has applied for a conditional use permit to allow wetland sequencing and replacement of 7.10 acres of wetland impacts; and

WHEREAS, the Planning Agency of the City of Mankato has completed a review of the application and made a report pertaining to said request (CY 28-24), a copy of which has been presented to the City Council; and

WHEREAS, the Planning Commission of the City, on the 24th day of July, 2024, following proper notice, held a public hearing regarding the request, and following said public hearing, adopted a recommendation that the request for a conditional use permit be approved; and

WHEREAS, the minutes of such public hearing and recommendation of the Commission have been presented to the City Council; and

WHEREAS, based upon the Planning Agency report, minutes, and recommendation, the City Council hereby finds that:

1. The proposed request, sequencing and replacement for wetland impacts, is considered a Conditional Use Permit in Mankato City Code section 10.82 Subd. 11.
2. The request is in keeping with the comprehensive planning policies of the City as the underlying land use plan identifies this parcel as having the uses that are proposed in the overall development plan.
3. The proposal does not interfere with or diminish the use of property in the immediate vicinity.
4. The development will be served by public facilities and services.
5. The proposal, wetland impacts, does not cause undue traffic congestion.
6. There are no known historical or architectural resources on the site.
7. The proposal seeks to preserve the unnamed lake wetland basin located on the northerly side of the parcel. The wetlands proposed for impact and replaced are wetlands that have historically been in crop rotation and have been heavily degraded by the removal of wetland hydrology and hydrophytic plant communities.
8. It will not cause a negative cumulative effect and effect on the City as a whole.

9. To the extent known, the development, when considered with the recommended conditions, conforms with all other applicable regulations of the district, and other applicable ordinances.
10. The proposal will not jeopardize the public's health, safety, or general welfare.
11. The proposal conforms to the Wetland Conservation Act

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Mankato that the conditional use permit to allow wetland sequencing and replacement of 7.10 acres of wetland impacts be approved subject to the following conditions:

1. The final DNR approved site plan that includes the hydrologic capacity shall be provided to the City of Mankato.
2. If modeling through the DNR Public Waters permit process, or for other reasons, requires different or additional wetland impact(s), additional review and approval by an amended conditional use permit and review and approval through the City of Mankato Technical Evaluation Panel (TEP) will be required.
3. The preliminary plat conditions of approval shall be adhered to, and those conditions are as follows:
 1. At the time of submission for a final plat, the applicant shall provide a complete draft copy of the proposed property owners association documents and deed restrictions, covenants, and permanent easements or other instruments. The documents shall address, but are not limited to, private streets, private utilities, current and future building envelopes, future additions, and how this will be privately managed. Membership in the property owners' association shall be mandatory and in accordance with all applicable shoreland standards. The deed restriction shall properly address future vegetative and topographic alterations, construction of additional buildings, and shall ensure the long-term preservation and maintenance of open space in accordance with the shoreland and DNR criteria.
 2. The applicant shall enter into a subdivision agreement addressing public improvements within the subdivision including Hoffman Road, 211th Lane, and public storm water facilities within the subdivision.
 3. The applicant will be responsible for all required permitting and authorization for the proposed improvements associated with the natural gas easement. Written authorization from the easement holder acknowledging the proposed development, and providing consent for the proposed improvements, shall be in place prior to the submission of a final plat.
 4. Block configuration shall be modified to achieve Mankato City Code standards of not more than 1,200 feet.
 5. Prior to the submission of a final plat or planned unit development request for the parcel, a Notice of Decision shall be in place authorizing the proposed wetland impacts.

6. Prior to submission of a final plat or a planned unit development, the applicant shall have applied for and obtained all necessary Public Waters Work Permit(s) from the Department of Natural Resources, DNR, for the proposed project.
7. Applicant shall install signs at the required open space area at intervals acceptable to the DNR, and other applicable parties.
8. The applicant shall submit a request for the desired residential rental density within the new low-density residential areas, and this shall proceed for review along with the ordinance amendment for rezoning, platting, etc. for the development.
9. Bulk, height, setback, density, coverage, parking and other underlying zoning district criteria will apply to the subject lots and blocks.
10. Approval of this preliminary plat does not imply future approval of wetland replacement plans or planned unit developments or other future zoning requests.

This resolution shall become effective immediately upon passage.

Dated this ____ day of _____, 2024.

Najwa Massad
Mayor

ATTEST: _____
Rena Kopischke, MMC
City Clerk