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:

Lot 3, Block 1, Mayan Way Subdivision Phase 3, Mankato (208 Mayan Way).

Has applied for a conditional use permit to allow the installation of a retaining wall in an area having a slope equal to or in excess of 17.6 percent; 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 33-25), a copy of which has been presented to the City Council; and

WHEREAS, the Planning Commission of the City, on the 23rd day of July, 2025, 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 use, an existing residential dwelling, is not proposed to change. The fill, cut and development activities within the slope area equal to or in excess of seventeen-point six (17.6%) percent is considered a conditional use permit in Mankato City Code Chapter 10, Article X, Division 2, Sec. 10-1499.
2. The request is in keeping with the comprehensive planning policies of the City as the underlying land use plan identifies this parcel as "Low Density Residential", which is in keeping with this request that is not seeking any changes to the current use of the property.
3. The proposal does not interfere with or diminish the use of property in the immediate vicinity.
4. The primary structure will continue to be served by public facilities and services, and no utility service provider changes are proposed with this proposal.
5. The proposal does not cause undue traffic congestion as no changes are proposed to the public street system.
6. There are no known historical or architectural resources on the site.
7. The site contains bluffs and woodlands as natural or environmental features on the site. With the recommended conditions, it is intended that impacts to these areas will be corrected and minimized.
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.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Mankato that the conditional use permit to allow the installation of a retaining wall in an area having a slope equal to or in excess of 17.6 percent be approved subject to the following conditions:

1. All drainage from the subject property, including, but not limited to, retaining wall drainage, skating rink drainage, roof and gutter drains, shall outlet to the bottom of the ravine. Additional bluff disturbance when installing said drain pipe is prohibited.
2. The applicant shall obtain written approval from the adjacent property owners if encroachments are necessary for the construction and installation, or other, of the proposed retaining wall.
3. Prior to work occurring, and after the installation of the BMP's, such as the silt fence, a pre-construction meeting shall be held onsite with the owner, the contractor and City staff.
4. Prior to work occurring, the applicant should obtain a building permit.
5. Prior to beginning work, the property should have the property lines staked and visible for an inspector and these stakes/pins should be visible during a pre-construction meeting.

This resolution shall become effective immediately upon passage.

Dated this _____ day of _____, 2025.

_____
Najwa Massad
Mayor

ATTEST: _____
Renae Kopischke, MMC
City Clerk