

**Mankato Planning Commission
Regular Meeting
November 20, 2024**

1. CALL TO ORDER.

Chair Zehnder called the meeting to order at 6:00 p.m.

Commissioners Present: Chair Zehnder, Ms. Johnson, Mr. Wilke, Mr. Meister, Mr. Dieken, Mr. Iddings

Staff Present: Mark Konz – Director of Community Development, Molly Westman-Planning and Zoning Administrator, Sydney DePrenger-Planner, Travis Johnson- Permit Technician, Bennett Hanson-Economic Development Specialist.

2. APPROVAL OF AGENDA.

Mr. Meister made a motion to approve the agenda. Ms. Johnson seconded the motion. The motion carried unanimously.

3. APPROVAL OF MINUTES.

Ms. Wilke made a motion to approve the minutes from October 23rd, 2024. Mr. Meister seconded the motion. The motion carried unanimously.

4. OLD BUSINESS

5. NEW BUSINESS

CY44-24 Request of McDonald's Corporation for a certificate of design compliance for an approximately 832 square foot addition on the western side of the existing structure to allow for a new play place. The subject property is described the eastern 27.5' of Lot 2, and all of Lot 1, Block 1, Menard Addition. (1921 Adams Street).

Mr. Hansen respectfully submits the following findings of fact:

1. The property is located in the Highway Gateway Overlay District and the proposed value of the project does not exceed \$500,000. By Mankato City Code Chapter 10.48, this project only requires review by the Planning Commission.
2. The request is in keeping with the standards set forth in the B-3 Highway Business District.
3. The proposal, which includes implementation of the required conditions, conforms to Mankato City Code section 10.48 - Highway Gateway Overlay District.

Mr. Hansen reported that based on the findings staff recommends approval of the Certificate of Design Compliance with the following conditions:

1. At the time when sidewalk improvements take place along Adams Street, the applicant shall serve as a willing petitioner for said improvements.
2. Applicant shall provide a copy of the access agreement demonstrating that the neighboring property at 1901 Adams Street agrees to all existing and proposed encroachments.
3. All new exterior light fixtures shall be full cut-off fixtures and lighting levels at the property line may not exceed ½ foot candle. All lighting shall meet City Code Section 10.89. prior to issuance of the certificate of occupancy.
4. Signage shall require a separate sign permit prior to fabrication or installation. All signage, both permanent and temporary, shall adhere to Mankato City Code Section 10.87.
5. Landscaping shall be installed in accordance with City Code Sections 10.48. and 10.88. prior to issuance of the certificate of occupancy.

Chair Zehnder opened the public hearing for public comment, with no one wishing to speak, the public hearing was closed.

Mr. Dieken made a motion for approval for the Certificate of Design Compliance with conditions. The motion was seconded by Mr. Wilke. The motion passed unanimously.

The anticipated date of final action by the Planning Commission is November 12, 2024.

CY45-24 Request of the City of Mankato for review of certain sections of Chapter 10 of the City Code pertaining to cannabis.

Mr. Konz presented the request for review to the commission.

Chair Zehnder opened the public hearing for public comment, with no one wishing to speak, the public hearing was closed.

Ms. Johnson made a motion for approval for the review of certain sections of Chapter 10 of the City Code pertaining to cannabis. The motion was seconded by Mr. Meister. The motion passed unanimously.

The anticipated date of final City Council action is November 25, 2024.

CY46-24 Request of Andrew Manske for a conditional use permit to allow for cut, fill and development activities on a slope equal to or in excess of seventeen-point six (17.6) percent for ravine stabilization. The subject property is described as Lot 5, Block 1, Ironwood Oaks subdivision (80 Telemark Drive).

Ms. Westman reported the following findings with respect to the Conditional Use Permit request:

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 section 10.82 Subd. 10.
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.

Ms. Westman reports that based on the findings staff recommends approval of the requested conditional use permit with the following conditions:

1. The existing drain pipes, new piping, and drainage routes that were found in the sloped area shall be adjusted according to recommendations contained in the Braun engineering report. New drainage plans, prepared and signed by an engineer licensed to do work in the state of Minnesota, shall include pool drainage, and should demonstrate that additional issues are not caused by the placement of the drainage.
2. The applicant shall submit engineered drawings, signed by an engineer licensed to do work in the State of Minnesota, for the proposed construction and bluff repair. The final design shall return the area to the most natural state possible. The plans will be subject to the review and approval of the City's engineering department. The applicant shall submit for a building permit for the subject work, and work may not commence until the building permit is in place.
3. With the submission of the construction plans, a construction staging plan shall be provided that demonstrates how the construction equipment will access the site and any potential material storage will be handled for the project.
4. The applicant shall conduct an informal neighborhood meeting a minimum of 10 days prior to work beginning.
5. All attempts to reestablish the minimum setbacks for the sport court, which include a setback of least 10' from the bluff line and reestablishment of the approved pool setback shall be made. If an engineer licensed to do work in the State of Minnesota determines that achieving the 10' setback is not possible, coordination and approval with the City's engineering department shall occur and verification that the bluff will be secure in the proposed manner will be required.
6. Prior to work beginning, the official property boundaries be clearly marked to ensure that encroachments onto adjacent properties do not occur.
7. The existing 20' drainage easement, as shown on the plat of record, shall be maintained and unaltered.
8. Work, including tree removal or any additional bluff activity, shall not begin until a building permit is in place, and the final engineering plans have been reviewed and approved. In the event of an emergency situation where the

slope conditions change prior to the construction plans being completed and approved, temporary shoring and stabilization measures shall be evaluated and approved by an engineer hired by the applicant, the city's designated engineer and the owner or owner's representative.

9. The applicant shall work with the City Forester to determine what reasonable tree replanting and natural woodland vegetation efforts can be undertaken on the subject project in conjunction with the slope correction project. The applicant shall provide a landscaping plan incorporating the subject plantings (trees and vegetation) and the plantings shall be installed in conjunction with the project. The landscaping plan shall incorporate restoration of the natural, wooded ravine to the greatest extent feasible, based on the final, approved engineering solution. The landscaping plan shall be submitted to the City Forester and the City engineering department for final review and approval.

Chair Zehnder questioned that since the final option has yet to be decided on, is the approval allowing for the applicant to choose between the 3 options.

Ms. Westman indicated this was correct. They would decide on one of those options, a variation of one of those options or even something that is not listed. The option that is selected will need to be prepared by an engineer and approved by the City of Mankato's engineering staff.

Jason Beal, JBeal Real Estate Group. Mr. Beal was present and indicated he was working with Mr. Manske and looking to transfer the property and wanted to understand time frames pertaining to this project. Mr. Beal questioned if there would be any type of streamlined process outside of an emergency.

Ms. Westman indicated that if an emergency were to arise, the engineer hired by the applicant can reach out to the City of Mankato's engineering department to be evaluated. The applicant had inquired about removing trees. The removal of the trees should not occur until engineering is provided as to not cause further degradation. If there is an emergency that is imminent and engineered plans are provided, the City of Mankato would evaluate them at that time.

Mr. Beal questioned if the forestry individual that works for the City of Mankato could evaluate if trees could be removed based on the visual deficiency that it offers or the potential danger.

Ms. Westman indicated that an engineer would need to evaluate the site before those trees could be removed.

Mr. Beal inquired if the 10-foot setback requirements must be restored if deemed possible.

Ms. Westman indicated that the goal is to restore the 10-foot setback. If the engineer indicates it is not possible, we would be open to evaluating that.

Mr. Beal clarified that the engineer would know that the original plan will be to have a minimum 10-foot setback restored, and they would need to show that this would not be possible.

Ms. Westman stated that this is correct, and the City of Mankato's engineering department would evaluate the report if deemed not possible.

Mr. Beal questioned if there would be a survey required.

It was determined that a survey of the site was already completed.

Chair Zehnder opened the public hearing for public comment, with no one wishing to speak, the public hearing was closed.

Mr. Dieken made a motion for approval of the Conditional Use Permit with conditions. The motion was seconded by Ms. Johnson. The motion passed unanimously.

The anticipated date of final City Council action is December 9, 2024.

CY48-24 Request of Mesenbrink Construction & Engineering, Inc. for an amended preliminary plat review and the final plat review of Mesenbrink Subdivision, and for the zoning of the subject property from T-Transition to B-1, Community Business District, O-R, Office Residential District, R-4, Multiple Family Dwelling District, and R-2, One- and Two-Family Dwelling District. The subject property is described as part of the West 30 acres of the SW ¼, Section 15-108-26, except the South 330 feet of the West 330 feet thereof, AND The SE ¼ of the NW ¼ of the SE ¼; The S. ½ of the NE ¼ of the SE ¼; The SE ¼ of the SE ¼; The SW ¼ of the SE ¼, Except the West 30 acres thereof; all in Section 15, Township 108, Range 26, Blue Earth County, Minnesota, with some exceptions. (Blue Earth County PID R430915400003 and R430915400009).

Ms. Deprenger reports that staff finds the rezoning of the plat from T-Transition to Community Business District, OR, Office Residential, and R-2, one- and Two-Family Dwelling District, is in the best interest and promotes the health and welfare of the community, and is in conformity with the comprehensive plan of and for the City.

Ms. DePrenger respectfully submits the following findings of fact for the preliminary and final plat.

1. General Requirements
 1. The site is designed in conformance with the location and widths of streets, the general drainage situation, lot sizes and arrangement.
 2. A drainage study has been submitted to verify compliance with the City drainage requirements.
 3. The site provides storm drains and stormwater ponds that outlet into the adjacent Public Water. A condition is included herein that requires that a Public Waters Work Permit is required to verify that the rate of discharge is acceptable for the proposed outfall and at the rates and volumes allowed by the MS4 permit.
 4. On-site wetlands have been delineated, and will be required to be avoided or approval in place for replacement prior to submittal for a final plat.
2. Streets
 1. The street right-of-way widths conform to the standards listed in Chapter 11 of Mankato City Code by meeting the right-of-way standards.
 2. The applicant will be dedicating the required land for the Hoffman Road extension as well as the land for the adjacent township roads. All other access corridors within the development are proposed to be private.
3. Easements
 1. The preliminary plat provides the standard easements required in Chapter 11 of the Mankato City Code.
 2. An existing Northern Natural Gas easement traverses the site, which is proposed to remain.
4. Block Standards
 1. The blocks within the subdivision were designed for the intended end use as residential and commercial lots.
5. Lot Standards
 1. The lots within the subdivision are intended for residential and commercial development. The lots are designed in conformance with the standards set forth in Chapter 10.

2. The concept plans submitted for the commercial development depict areas for off-street parking.
3. The concept plan for the residential areas achieves larger lot sizes that will address corner lot requirements.
6. Public Sites and Open Spaces
 1. The applicant will be making a \$176,193 payment-in-lieu of parkland dedication. The Parks and Open Space Plan shows the area near the public water as open space, which will be maintained as such. The area will be served by a community park to be located in the Groh Farm Subdivision, which falls in the area delineated by the Parks and Open Space Plan in need of a park.

Ms. Deprenger reports staff recommends approval of the Mesenbrink preliminary plat and final plat with the following conditions:

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. Prior to submission of 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.
5. Applicant shall install signs at the required open space area at intervals acceptable to the DNR, and other applicable parties.
6. 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.

7. Bulk, height, setback, density, coverage, parking and other underlying zoning district criteria will apply to the subject lots and blocks.
8. Approval of this preliminary plat does not imply future approval of planned unit developments or other future zoning requests.
9. All wetland banking credits, for the wetlands approved for replacement, shall be purchased prior to any work occurring in the subdivision.
10. All previous conditions from the previous approvals shall remain applicable.

Ms. Deprenger also reports that staff recommends the approval of the rezoning from T-Transition to R-2, One- and Two- Family Dwelling District, Or Office Residential, and B-1, Community Business District.

Mr. Iddings questioned if any type of screening would be required if the area does become completely developed

Mr. Konz explained that those conditions will be set forth in the planned unit development process.

Nate Myhra, Project Manager, Bolton & Menk, Inc. Mr. Myhra was present to answer any questions that the commission may have. Mr. Myhra also addressed Mr. Iddings question. As they bring in developments, they will take into consideration some of those buffer areas.

Chair Zehnder opened the public hearing for public comment.

Ken Wilmes. Mr. Wilmes questioned the meaning behind one of the conditions of approval. The condition in question reads as 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.

Mr. Konz explained that when the applicant goes through the development process part of what is being looked at is public investment in the project. The subdivision agreement addresses the construction and cost for the various improvements that are required.

Mr. Wilmes questioned if because 211th lane is owned by the township if they would be required to maintain those improvements

Mr. Konz explained that as the area around it develops, this subdivision would be a willing partitioner to any improvements that would occur on 211th lane.

Ms. Johson made a motion to approve the preliminary plat and final plat with conditions in addition to the rezoning. Mr. Meister seconded the motion. The motion passed unanimously.

The anticipated date of final City Council action is December 9, 2024.

MISCELLANEOUS

There were no miscellaneous items

ADJOURNMENT

There being no further business, Mr. Dieken moved to adjourn the meeting. The motion was seconded by Mr. Meister and carried unanimously.

The meeting adjourned at 6:58 pm

MINUTES APPROVED.

Chair, Mankato Planning Commission