



MINUTES

**Mankato Planning Commission
February 26, 2025 - 6:00 p.m.
IGC - Mankato Room**

1. **CALL TO ORDER**

2. **APPROVAL OF AGENDA**

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

3. **APPROVAL OF MINUTES**

Mr. Dieken made a motion to approve the minutes from January 22nd, 2025. Mr. Iddings seconded the motion. The motion carried unanimously.

1. **January 22, 2025 Planning Commission Minutes**

4. **OLD BUSINESS**

No Old Business

5. **NEW BUSINESS**

1.

CY04-25

Request of Bennett Coughlan for a conditional use permit to allow for a restaurant use in the CBD-F, Central Business District Fringe, zoning district. The subject property is described approximately as the East 92' of Lots 9 and 10, Auditors Plat 5, Mankato (634 S. Front Street).

Mr. Hanson respectfully submits the following findings of fact:

1. The proposed use, a restaurant, in the Central Business District-Fringe, CBD-F, zoning district is considered a Conditional Use Permit in Mankato City Code.
2. The request is in keeping with the comprehensive planning policies of the City as the underlying land use plan identifies this parcel as "Central Business District", which is in keeping with this request.

3. 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.
4. The proposal will not cause undue traffic congestion, as no changes are proposed to the public street system and the property was previously used as a restaurant.
5. The proposed outdoor patio space will be constructed entirely within private property and will not encroach into the public Right-of-Way.

Mr. Hanson reported that based on the findings staff recommends approval of the conditional use permit with the following conditions:

1. Prior to issuance of a certificate of occupancy for the structure, the applicant shall provide a lease for the minimum required off-street parking stalls. Parking stalls shall be provided within 500 feet of the subject use.
2. If said minimum required off-street parking stalls are no longer provided due to modification or termination of the lease, the applicant/property owner shall provide notice to City Staff and secure alternative parking opportunities.
3. Parking lots associated with use of the property shall be striped in accordance with Mankato City Code Section 10.85.
4. A pedestrian access route along West Liberty Street shall be maintained, with a minimum of a 5-foot setback from the back of the curb.
5. When the patio is disassembled for the season and not in use, all patio related furniture, fencing, etc. must be stored indoors or at an off-site location. Exterior storage of patio components when not in use is prohibited.
6. All refuse containers shall be fully enclosed in conformance with the Mankato City Code, or stored entirely within the buildings. This includes all grease collection containers, recycling containers and other associated containers.
7. All signage, both temporary and permanent, shall adhere to Mankato City Code Section 10.87 standards, and sign permits shall be obtained prior to fabrication or installation of any signage.
8. If the applicant proposes to serve alcohol in the future, the applicant shall work with the City Clerk on a liquor license agreement. The agreement will require City Council approval prior to serving alcohol.

Bennett Coughlan. Bennett was present as the applicant to answer any questions the commission may have. He did indicate that he will be obtaining a lease from Tailwind to provide more parking at the proposed restaurant.

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 of the conditional use permit with conditions. The motion was seconded by Mr. Wilke. The motion passed unanimously.

The anticipated date of City Council action is March 10, 2025.

2.

CY05-25

Request of Brunton Architects, on behalf of the property owner, for a certificate of design compliance for an approximately 750 square foot addition to an existing building located in the Highway Gateway Overlay District. The subject property is described as the east 150 feet of the west 260 feet, except for adjacent highway right of way, of Lot 1, Block 1, Rooneys Subdivision, Mankato (1521 Tullamore).

Ms. Westman reports staff respectfully submits the following findings:

1. The request is in keeping with the comprehensive planning policies of the City as the underlying land use plan identifies this parcel as "commercial."
2. The proposal does not interfere with or diminish the use of property in the immediate vicinity.
3. The proposal is currently served by public facilities and services and will continue to be.
4. The proposal does not cause undue traffic congestion as the submission conforms to Mankato City Code criteria for off-street parking and driving areas, and no other changes are proposed to the site access, or traffic patterns.
5. There are no known historical or architectural resources on the site.
6. There are no known natural or environmental features on the site.
7. It will not cause a negative cumulative effect and effect on the City as a whole as the current use is a restaurant.
8. To the extent known, the development conforms with all other applicable regulations of the district, and other applicable ordinances.
9. The proposal will not jeopardize the public's health, safety, or general welfare.
10. The property is located in the Highway Gateway Overlay District and the proposed value of the project exceeds \$500,000, which by Mankato City Code Chapter 10.48, requires a review of the Planning Commission and City Council.
11. The building elevations conform to the guidelines of the Highway Gateway Overlay District. The proposed addition has exterior finishes including brick and metal, and is similar to the current principal structure. All sides of the building visible to the public will be treated consistently with quality materials and finishes.

Ms. Westman reports that based on the findings staff recommends approval of the requested Certificate of Design Compliance with the following conditions:

1. All previous conditions of approval contained in the May 14, 2018, Conditional Use Permit and Certificate of Design Compliance shall remain and be required to comply.
2. The exterior finishes as shown and approved by the City Council shall be implemented.
3. At the time of building permit submission for the proposed expansion, the applicant shall provide a photometric plan in accordance with Mankato City Code for the installation of any new light fixtures.

Ms. Johnson questioned if there would be issues with overflow parking.

Ms. Westman indicated that when the initial notices went out, MVAC (Minnesota Valley Action Council) submitted a letter indicating they had some concerns about parking. The applicant has since been working directly with MVAC on overflow parking and the letter has been withdrawn.

Christine Ahmann, Brunton Architects. Christine was present representing the owner to answer any questions the commission may have.

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 requested Certificate of Design Compliance with conditions. Ms. Johnson seconded the motion. The motion passed unanimously.

The anticipated date of City Council action is March 10, 2025.

Request of Papa John's for a conditional use permit to allow the addition of a new drive-thru/pick-up window at an existing restaurant operation. The subject property is described as Lot 1 and Lot 2, Block 3, North Victory Drive Stage 3, Mankato. (551 Belle Avenue).

Ms. DePrenger reports staff respectfully submits the following findings:

1. The proposed development, including the implementation of the recommended conditions, conforms to the standards of the Highway Gateway Overlay District, as noted under Mankato City Code.
2. The proposed development conforms to the standards of Chapter 10 for the issuance of the conditional use permit.

Ms. DePrenger reports that, based on the findings, staff recommends approval of the conditional use permit to allow a drive-thru pick-up window with the following conditions:

1. Prior to installing of signage, a separate sign permit shall be obtained for each proposed sign.
2. Landscaping shall be installed in accordance with City Code. A detailed landscaping plan, including proposed vegetation types and sizes, shall be submitted for review and approval prior at the time of building permit application submission. At a minimum, the plan shall include a vegetative screening, having an opacity of 80% or greater, a minimum of 4' and a maximum of 8' in height, along all the drive through areas, and the parking lot. In addition, landscaping shall be provided in accordance with section 10.88. This shall include, but not be limited to, 6' tall evergreen trees at a rate of 1 evergreen tree per 25 lineal feet of lot perimeter length and 1 shade tree, 2 ½" caliper, per 50 lineal feet of lot perimeter length.
3. Applicants shall supplement the existing landscaping with the new landscaping plan to help buffer the residential use on the frontage of the property. A landscaping plan shall be submitted at the time of building permit submittal that meets Mankato City Code.
4. If the operation of the drive-thru facility results in traffic hazards or congestion on public streets or alleys, the City Council may order the modification or termination of the drive-thru facility.
5. If parking becomes an issue, the resolution shall occur privately among tenants and owners.
6. If new exterior light fixtures are proposed, lighting shall achieve Mankato City Code including, but not limited to full-cut, fully shielded fixtures and a photometric plan shall be provided that demonstrates conformance with Mankato City Code.
7. Bicycle parking shall be provided per Mankato City Code.

Nick Rover, Papa Johns. Nick was present representing the owner to answer any questions the commission may have.

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 to approve the conditional use permit to allow a drive-thru pick-up window with conditions. The motion was seconded by Mr. Iddings. The motion passed unanimously.

The anticipated date of City Council action is March 10, 2025.

Request of Brett Skilbred, on behalf of the owner, Grace Baptist Church, for the vacation of a portion of Lind Street between 6th and 7th Avenue and for the vacation of a portion of an alley located in Block 6, Columbia Park subdivision. The subject property is described as that portion of Lind Street located between 6th Avenue and 7th Avenue and adjacent to Blocks 6 and 11, Columbia Park Addition and 100 feet of alley located between Lots 7 and 8 and 9 and 10, Block 6, Columbia Park Addition, Mankato. (600 Lind Street, etal).

Ms. Westman reports staff respectfully submit the following findings of fact for the vacation request for Lind Street between 6th Avenue and 7th Avenue and for the vacation of a portion of an alley located in Block 6, Columbia Park Addition.

1. The portion of Lind Street requested for vacation by this petition is useful and necessary for public purposes. The street is currently used for public roadway purposes, provides ingress and egress throughout the neighborhood and is an essential corridor, creates traffic circulation for the neighborhoods, as well as the public at large, and is the location of utilities and utility infrastructure.
2. The portion of the alley requested for vacation with this request is necessary and useful for public purposes. The alley provides a connection between two streets, provides a location for utilities and utility infrastructure, represents an essential corridor and provides access to the abutting residential properties, including for emergency vehicles.
3. The portion of Lind Street and the alley requested for vacation with this request serve the interests of the public and remain useful for public purposes. Emergency access to the areas is necessary. Utilities are located within each corridor.
4. In addition to current usefulness, future development demonstrates the need for the Lind Street corridor for public usage as part of a traffic study that was submitted for a Land Use Plan amendment.

Ms. Westman reports staff recommends denial of the requested vacations.

Mr. Wilke wanted clarification that based on the findings, staff did not feel as though this request has complied with the state statute related to the vacation.

Ms. Westman indicated that this was correct. Staff findings indicated that the street is still useful and still used for public purposes.

Chair Zehnder questioned if the proposal for new housing on 8th avenue is a separate proposal from the Jefferson Quarry redevelopment plan.

Ms. Westman indicated that this is correct.

Chair Zehnder inquired if the vacation was approved, would the applicant have to work with the utility companies directly.

Ms. Westman did indicate that this was correct. The applicant would have options to address the utility companies' concerns including easements or relocation of utility lines.

Mr. Wilke questioned if there have been any other discussions between Grace Baptist Church and city staff to try and address some of the safety concerns.

Ms. Westman indicated that those discussions have not happened, but the city would be open to it.

Ms. Johnson questioned what the current speed limit was on Lind St.

Ms. Westman indicated that she believed it to be 30 MPH.

Brett Skillbred & Pastor Larry Johnson. Mr. Skillbred and Mr. Johnson were present to address any questions the commission may have about the vacation. Mr. Skillbred indicated they have no timeline for this vacation to take place and the church is not in a rush for this vacation to be approved. They would not want improvements to take place in this section of Lind St. if the vacation were to move forward at some point in the future.

Mr. Skillbred also wanted to walk through the findings and address some of the concerns brought forward by city staff. He indicated that they have spoken with all utility companies. They are prepared to provide easements to every utility that is in this vacation area. He also indicated that for future developments, traffic would be directed north towards Cleveland St. or South towards Harper St. from 8th Ave. This would be to direct traffic away from Lind St. Lastly, he indicated that the capacity of Lind St. would not affect any future development in the quarry. He would ask that the commission consider tabling the application under the caveat that a recommendation makes its way to City Council that this portion of Lind St is removed from the CIP, but the CIP is still able to move forward.

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

Mr. Wilke questioned staff about what tabling this application would do for the commission moving forward.

Mr. Konz indicated that we don't know what the City Council is going to do in relation to the CIP projects that were referenced by Mr. Skillbred. If they wanted to get this into the next March 26th Planning Commission meeting, that would be possible as a continuation of the proposal. Mr. Konz also indicated the applicant could submit a letter indicating they propose delaying this application to a certain date. The 60-day rule has already been extended to 120 days, so a decision would need to be made by May 28th.

Mr. Wilke inquired if the Planning Commission were to vote to deny, would that prevent the applicant from being able to apply for the vacation in the future?

Mr. Konz indicated that the denial would be a recommendation, and the City Council would still have to act. At the March 10th City Council meeting, the date of the hearing will be set for April. If the applicant were to submit something in writing indicating the willingness to extend the timeline, then a new timeline would be possible but something officially in writing would need to be provided by the applicant.

Chair Zehnder questioned, if the commission were to vote to table the application, what type of information we would be looking for.

Mr. Konz indicated the applicant could provide the utility easements or some form of agreement from the utility companies showing their approval of the vacation. The state statute indicates that it is up to the petitioner to prove that the road is not used both now and in the future. Tabling the application would provide more time for the applicant to provide proof that this section of road is not used.

Mr. Wilke indicated that the traffic impact of going from 3 access points potentially down to 2 with the planned future developments would be of concern.

Chair Zehnder questioned if there were any plans to extend Lind St. into the Jefferson project.

Mr. Konz indicated that none of the proposals that they have seen have shown that. The

access would be on Cleveland St and a south route from the quarry.

Mr. Dieken indicated that he would be in favor of giving the applicant time to provide evidence regarding the use of Lind St. He questioned if Lind St. is not extended would it dead end on 7th Ave.

Mr. Konz indicated this was correct. Lind St. would stop at 7th Ave on the west and 6th Ave on the east.

Mr. Dieken questioned if there were plans to connect Lind St. to 8th Ave.

Mr. Konz indicated that this is correct. He did note that the revised plans do show a driving lane that connects 6th Ave to 7th Ave.

Chair Zehnder questioned if the CIP would include the part of Lind between 7th and 8th Ave.

Mr. Konz indicated that was his understanding.

Chair Zehnder questioned if a vote to table the application for one month would have any impact on the timeline for the CIP.

Mr. Konz indicated there would be no impact on the CIP and this is scheduled to go to City Council on March 10th. He also stressed the importance of having a consistent plan for the area based on different inputs from the community, including this vacation request. The road network, the utilities, and the completion of the Germania Park project are all things that must be considered.

Mr. Dieken stated that if Lind St. was going to continue to 8th Ave, then future use would make it difficult to approve the vacation request.

Chair Zehnder questioned if there were any discussions with the CIP regarding implementing safety features on this stretch of Lind St.

Ms. Westman indicated that she is not aware of any discussions in relation to these types of safety improvements.

Mr. Skillbred stated that his intent during the March 10th City Council meeting, will be that the church request this section of Lind St. be removed from the CIP, and then he would request the CIP to move forward. If the council approves this, then the vacation request will be removed.

Chair Zehnder questioned what type of improvements are projected to be made.

Mr. Konz indicated that it's a mix of several different improvements. When these projects went forward to the City Council, the request of the neighborhood was to limit the exposure to assessments.

Mr. Dieken again stated that he believes with the planned improvements in the area, Lind St. will be extended to 8th Ave and this in turn will make it a useful street for the city.

Mr. Konz stated that it is reasonable to allow time for the applicant to figure out what happens at the City Council meeting on March 10th. He also indicated the need to get something from the applicant in writing that they are ok to extend the application or the application be withdrawn until they have additional information from the March 10th City Council meeting.

Chair Zehnder made a motion proposing that the planning commission table this project. In addition, the applicant shall be willing to sign a waiver to the 60-day rule, provide evidence as to the use of Lind St. and provide approval of the easements from the utility companies. Mr. Wilke seconded the motion. The motion passed unanimously.

The anticipated date of City Council action is April 14, 2025.

5. CYL08-25

Request of Lime Township Board for an amendment to Section 15 of Lime Township related to the adoption of the Solar Ordinance.

Mr. Konz reports staff respectfully submits the finding that the proposed ordinance amendments conform to the goals of Lime Township Land Use Plan.

Mr. Konz reports staff recommends approval of the proposed amendments made to the Lime Township Solar Ordinance.

Mr. Wilke questioned whether other communities have similar proposals in relation to prohibited battery storage.

Mr. Konz indicated that they have not seen anything locally but nationwide there have been facilities that do have battery storage. The Lime Township board felt that it was necessary to regulate it based on safety concerns.

Chair Zehnder questioned what would allow companies to go past the 1 megawatt on a maximum of 10 acres.

Mr. Konz indicated there are several different items that are looked at for these types of projects such as screening from adjacent property owners or the ability to provide storm water facilities. He also noted that this ordinance still includes getting sign off from adjacent property owners.

Cody Hilgers, Lime Township. Mr. Hilgers was present to answer any questions the planning commission may have. He indicated the goal of this amendment was to preserve farmland, the game refuge, and to prevent water runoff from getting into drinking water.

Chair Zehnder opened the public hearing for public comment.

Jody Swanson, 110 Pheasant Dr, Mankato MN. Ms. Swanson has been part of the workshop meetings for over a year and a half in relation to this amendment. She indicated that this was in response to landowners who were interested in putting solar on their property. She encouraged the planning commission to approve these proposed changes.

With no one wishing to speak further, the public hearing was closed.

Ms. Johnson made a motion to approve the proposed amendments to the Lime Township Solar Ordinance. The motion was seconded by Mr. Wilke. The motion passed unanimously.

The anticipated date of Lime Town Board action is March 18, 2025.

6. CYL09-25

Request of SunVest Solar, LLC, with permission of the property owner, for an interim use permit to allow for an additional one-megawatt community solar garden in the Lime Township Rural Conservation zoning district, for a variance from Section 15.B.15.4.3 of Lime Township Solar ordinance to allow an additional one-megawatt community solar energy system in the Rural Conservation District on an existing tax parcel already approved for a one-megawatt solar site without the informed written consent signed by the adjoining property owners agreeing to more than one Community Solar Energy System per tax parcel, and for a variance from Section 15.B.3 of the Lime Township Solar Ordinance to allow an increase in the Maximum Size and Capacity of a Community Solar Energy System from the code allowed maximum size from no greater than ten (10) acres in size to no greater than seventeen (17) acres in size and increase from one megawatt of production to two megawatts of production. The subject property is described as The Northeast Quarter of the Northwest Quarter, except railroad right of ways, and the Northwest Quarter of the Northeast Quarter, both in Section 29, Township 109, Range 26, excepting from said Northwest Quarter Northeast Quarter that part of said Northwest Quarter Northeast Quarter described as, beginning at a point 1315.8 feet South of the Northeast corner of Section 29-109-26, thence West 1808.8 feet to the East line of the Right of Way of the Chicago & Northwestern Railway, thence southwesterly along the said Right of Way line, 1264.6 feet, thence East 1692.3 feet to the East line of said Section 29, thence North along the section line 1249.8 feet to the place of beginning. A strip of land one (1) rod wide now used as a road, extending from East to West upon, over and across the North side of the Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4) of Section 29, Township 109 North of Range 26 West, beginning at or near the Northeast corner of said NW1/4 NW1/4 of Sec. 29, and thence West along or near the North line of said NW1/4 NW1/4 of said Sec. 29, to the public highway known as the Mankato and St. Peter Road. The East 302.00 feet of the Northwest Quarter of the Northwest Quarter of Section 29, Township 109, Range 26, Blue Earth County, Minnesota, except the South 16.5 feet thereof. Except therefrom: Part of the Northwest Quarter of the Northwest Quarter and part of the Northeast Quarter of the Northwest Quarter of Section 29, Township 109 North, Range 26 West, Blue Earth County, Minnesota described as: Commencing at the Southeast corner of said Northwest Quarter of the Northwest Quarter; thence North 89 degrees 41 minutes 42 seconds West (bearings are based on Blue Earth County Coordinates NAD83, 1996 Adjustment) on the south line of said Northwest Quarter of the Northwest Quarter, a distance of 78.00 feet; thence North 12 degrees 41 minutes 56 seconds East, a distance of 16.89 feet to the north line of the south 16.5 feet of said Northwest Quarter of the Northwest Quarter and the point of beginning; thence North 12 degrees 41 minutes 56 seconds East, a distance of 589.95 feet to the westerly right of way of the abandoned Chicago, Milwaukee, St. Paul and Pacific Railroad Company; thence South 05 degrees 40 minutes 37 seconds West on said westerly right of way, a distance of 558.85 feet to the east line of said Northwest Quarter of the Northwest Quarter; thence South 00 degrees 11 minutes 26 seconds West on said east line, a distance of 19.81 to the north line of the south 16.5 feet of said Northwest Quarter of the Northwest Quarter; thence North 89 degrees 41 minutes 42 seconds West on said north line, a distance of 74.34 feet to the point of beginning. (23759 3rd Avenue; Blue Earth County PID R400429200017).

Ms. Potts reports staff respectfully submits the following findings of fact for the proposed Interim Use Permit.

1. Use. - The proposed community solar use is listed as an interim use in the Rural Conservation District, which is the zoning designation for Parcel Identification Number R400429200017.
2. Prohibitions. - The property is not located in shoreland, floodplain, or habitat areas. The site does contain wetlands, but a wetland delineation was conducted, and the project will not

impact wetlands. The site is outside of any areas identified as flight zones.

3. Maximum Size and Capacity. - The proposed additional community solar facility is a 1-megawatt facility creating a total of 2 megawatts onsite. The proposed solar site encompasses approximately 8 acres and with the previously approved 7.2 solar site making it a 15.2-acre coverage. Thus, exceeding the maximum capacity and size of the Lime Township Solar Ordinance.

4. Standards for Community Solar Energy Systems. - The site has access via 238th Street off of 3rd Avenue. The applicant uses piles as the foundation. The report documents the use of steel and concrete piles. The applicant conforms to the impervious standards of Lime Township.

5. Signage. - The applicant has not submitted plans for signage.

6. Power and Communication Lines. - The applicant has an interconnection agreement with Xcel Energy.

7. Waste Disposal. - The applicant will be providing dumpster and portable waste facilities during construction for contractors and employees.

8. Interconnection. - The applicant has an interconnection agreement with Xcel Energy.

9. Decommissioning Plan. - The applicant has submitted a decommissioning plan. The plan addresses costs for decommissioning totaling \$143,513.24. If approved, the application will be required to submit a cash escrow or irrevocable letter of credit for the amount of approximately \$181,891.55.

10. Noise. - The applicant will conform to the noise standards. If approved, a condition should include the submission of a noise study for confirmation that the proposed development conforms to Minnesota Rule 7030. Suspected violations will be forwarded to the MPCA for enforcement.

11. Electrical Codes and Standards. - If approved, the applicant will be required work with the State of Minnesota on the enforcement and/or compliance with the electrical code.

12. Minnesota State Building Code. - If approved, the applicant will be required to submit documentation of this with the land development permit.

13. Maximum Height. - The proposed module conforms Lime Township ordinance standards and will be 8 feet in height.

14. Glare. - The applicant conducted a glare study. The assessment passed the Forge Solar FAA policy adherence.

15. Setbacks. - The site conforms to the rear, side yard, and principal dwelling setback requirements.

16. Security Fencing. - The proposal will have an 8-foot security fence surrounding the solar site.

17. Screening. - The applicant is not proposing a vegetative screening due to the natural barrier of trees located on the property. Code provides that the Board may consider this "type and location of the required screening" (Section 15 part B subpart 17).

18. Inspections and Reports. - The applicant will prepare the information for the boards and allow for inspections.

19. Tile Lines. - Tiles lines have not been identified on the land development site.

20. Roads. - The applicant will be accessing the site via 3rd Avenue onto 238th Street. If approved, the applicant will need to work with Union Pacific for a private road agreement.

21. Vegetation Requirements & Management. - The trees on the site will not be cleared. The proposal indicates that a DNR approved pollinator seed mix will be used for the site.

22. Inspection Fees. - Inspection fees will be paid to the Lime Township Board per the standards in the ordinance.

23. Natural Heritage Information System Review. - The applicant has submitted a review of the cultural features of the site.

24. Utility Notification. - The utility company was notified with the standard notification process for the interim use permit.

Ms. Potts reports staff respectfully submits the following findings of fact for the proposed Written Consent Variance:

1. The proposed variance is not in harmony with the general purposes and intent of the ordinance. In order for the Township to provide orderly development while protecting the character and preserving uses within areas of Township, all applicant shall conform to the ordinances listed within their zoning districts. The applicant does not conform due to the lack of signed consent letters for the additional solar site.
2. The proposed variance is not consistent with the comprehensive plan. The request does not conform to Lime Township Zoning Ordinance. The Lime Township has adopted a Lime Township Zoning Ordinance for Solar Sites, Section 15B 15.4.3 states informed written consent must be signed by adjoining property owners. The applicant is missing two of the needed letters in order to remain compliant with code.
3. There are no known practical difficulties in complying with this ordinance.
 - a. The applicant proposes to use the property in a reasonable manner however they do not conform to the rural conservation district requirement of obtaining consent letters of the adjoining properties.
 - b. The plight of the applicant is not unique to the property meaning there is not anything physically unique about the particular piece of property to approve the requested variance.
 - c. The variance, if granted, would alter the essential character of the locality because of the required signatures needed in order to comply with Ordinance 15.B15.4.3.
 - d. Economic consideration alone does not constitute practical difficulties
4. The variance, if approved, would be allowing for a use that is not permitted within the rural conservation district in which the property is located.

Ms. Potts reports staff respectfully submits the following findings of fact for the proposed Size and Capacity variance.

1. The proposed variance is not in harmony with the general purposes and intent of the ordinance. In order for the Township to provide orderly development while protecting the character and preserving uses within areas of Township, all applicant shall conform to the ordinances listed within their zoning districts. The applicant would surpass the maximum capacity (1 megawatt) and size (10 acres) in order to remain compliant with section 15.B3.
2. The proposed variance is not consistent with the comprehensive plan. The Lime Township Board has adopted a Lime Township Zoning Ordinance that states no more than one community solar energy system co-location of systems shall have a maximum area no greater than ten (10) acres in size or 1 megawatt of production. The applicant's proposal exceeds both.
3. There are no known practical difficulties in complying with this ordinance.
 - a. The applicant proposes to use the property in a reasonable manner that is consistent with the surrounding areas, however the applicant would not conform to the size and capacity ordinance listed with the solar ordinance.
 - b. The plight of the applicant is not unique to the property meaning there is not anything physically unique about the particular piece of property to approve the requested variance.
 - c. The variance, if granted, would alter the essential character of the locality, given that there are not co-locations within the area that exceeds the required size and capacity of a solar site.
 - d. Economic consideration alone does not constitute practical difficulties
4. The variance, if approved, would be allowing for a use that is not permitted within the rural conservation district in which the property is located.

Ms. Potts reports that staff recommends denial of the Interim Use Permit to allow for an additional one-megawatt solar garden facility in the Rural Conservation District within Lime Township.

Ms. Potts reports staff recommends denial of the written consent and size and capacity variances.

Patrick Dalseth, Vice President of project development for SunVest Solar. Mr. Dalseth was present to state that their project has met all the standards and will meet the standards for the new ordinance that will be going to Lime Township on March 18th. He indicated that they did not get all consent letters and wanted to explain why. One of the property owners was deceased and another had asked them to leave their property. This project is over 1000 feet away from these landowners with natural landscaping. He requested that there be some type of consideration in relation to attempting to get these consent letters. Their intent was to meet the new ordinance and have a second project that falls under the 5- megawatt threshold.

Chair Zehnder opened the public hearing for public comment.

Chris Austin, 23541 3rd Ave. Mankato, MN. Mr. Austin was present to voice his concern at the attempt to get signatures and the lack of informed consent. His parents were approached twice and were pressured to secure a signature. Mr. Austin felt this did not align with informed consent.

Jody Swanson, 110 Pheasant Dr. Mankato, MN. Ms. Swanson indicated that she was part of the first solar ordinance review that this request was applied under. She applauded city staff interpretations of the March 2022 standards, and she suggested that this project would have to make changes to accommodate the new standards if they are to be approved.

With no one wishing to speak further, the public hearing was closed.

Chair Zehner questioned if the new solar ordinance passes, does that affect the need for neighboring properties' consent?

Mr. Konz indicated that this did not change, and consent is still required.

Mr. Wilke made a motion to deny the interim use permit, the written consent and size and capacity variances. The motion was seconded by Mr. Iddings. The motion passed unanimously.

The anticipated date of Lime Town Board action is March 18, 2025.

6. **MISCELLANEOUS**

No Miscellaneous items

7. **ADJOURNMENT**

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

The meeting adjourned at 7:53 pm

MINUTES APPROVED.

Chair, Mankato Planning Commission