

Minutes  
of the  
NORTH MANKATO PLANNING COMMISSION MEETING  
North Mankato, Minnesota  
December 14, 2017

A regular meeting of the North Mankato Planning Commission was held at 7 p.m., December 14, 2017, in the Council Chambers of the Municipal Building.

Planning Commission Members present: Chair Stephanie Stoffel, Nick Meyer, Isaac Kerry, Corey Brunton and Jason Beal. Staff members present: Council Liaison Jim Whitlock, City Attorney Mike Kennedy, and Community Development Director Mike Fischer.

A motion was made by Commissioner Beal, seconded by Commissioner Meyer to approve the minutes of the September 14, 2017, regular meeting of the Planning Commission. Vote on the motion: all ayes, 0 nays; motion carried.

**Z-4-17 A Request to Zone Part of Section 10-108-27 as R-1, One-Family Dwelling.**

Staff presented a request from Roy and Grace Toegel and Mick Montag to zone 25.55 acres of land which is being annexed into the City limits as R-1, One-Family Dwelling to accommodate a new single-family housing development. Staff referenced the existing area zoning and the guided zoning of the property as shown on the comprehensive plan Future Land Use Map. The Planning Commission believed the proposed zoning is consistent with existing area zoning and the Future Land Use Map. It was moved by Commissioner Kerry, seconded by Commissioner Beal to approve Z-4-17 contingent upon successful annexation. Vote on the motion: all ayes, 0 nays; motion carried.

**Preliminary Plat of Nature View Subdivision No. 2.**

Staff presented a request from Roy and Grace Toegel and Mick Montag for preliminary plat consideration of Nature View Subdivision No. 2. The proposed subdivision consists of eight single-family residential lots, 2 outlots and a private street. Staff stated that improvements would need to be made to the existing access to the property within existing street right-of-way. Mick Montag, 1517 Squirrels Nest Point, Kasota spoke about his relationship to the Toegel family, past residential housing projects he was involved with, the demand for large ravine lots and the appraisal process for valuing properties adjacent to ravines. Jim Looney, 618 Park View Court questioned if covenants will be part of the development and if area residents would have access to them. The Planning Commission held a considerable discussion regarding the ravine property, street access to the property, storm water management and the use of the property for future single-family development. Additional discussion was held regarding City access into the ravines for maintenance purposes. It was moved by Commissioner Kerry, seconded by Commissioner Brunton to approve the Preliminary Plat of Nature View Subdivision No. 2 subject to:

1. Successful Annexation.
2. Street and curb and gutter within the subdivision is private, and all underground utilities are public including the stormwater holding pond.
3. Stormwater holding ponds are designed by a licensed engineer and shown on the final plat.
4. City of North Mankato and Developer enter into a development agreement for the extension of Marie Lane.

Vote on the motion: all ayes, 0 nays; motion carried.

### **Z-5-17, A Request to Rezone 1253/1255 Lake Street from R-1 to R-3**

Staff presented a request from Andrew Atwood to rezone the property addressed as 1253/1255 Lake Street from R-1, One-Family Dwelling to R-3, Limited-Multiple Dwelling. Staff summarized the history of the 2-unit townhome which was damaged by movement of the adjacent hillside and the applicant's repair of the dwelling and the hillside. Staff indicated that the applicant is applying for 2 rental licenses which would allow up to 2 unrelated persons per unit. As the applicant wishes to have more unrelated persons occupy the dwelling, a request to rezone the property is requested. Andrew Atwood, 3429 Limerick Lane, Rochester stated he disagrees with the City's occupancy limits as it is discrimination against renters. Mr. Atwood believes consideration should be given to the number of bedrooms within each unit when determining occupancy. The Planning Commission held discussions of spot zoning, precedent for future requests if approved, off-street parking, and existing area zoning. Mr. Atwood questioned what amendments he could make to allow more unrelated persons to occupy his property. After continued discussion of the request, it was moved by Commissioner Kerry, seconded by Commissioner Beal to deny Z-5-17 as it is not consistent with existing area zoning or the future land use map. Vote on the motion: all ayes, 0 nays; motion carried.

### **Amendment to City Code Section 155.50 (B)**

Staff indicated that it was recently approached by a developer asking for an amendment to the City Code, relating to the dedication of ravine property. Staff summarized the existing regulation which requires all ravine and hillside property to be dedicated to the City. According to the developer, appraisers value lots adjacent to ravines differently based on the City's ravine dedication regulations. Staff presented an amendment to Section 155.50(B) proposing that developers could either dedicate ravine property to the City or record an easement for the conservation and preservation of the terrain and vegetation. City Attorney Kennedy recommended that any easement be acceptable to the City. The Planning Commission held considerable discussion regarding uniformity to the regulation, liability of owning ravine property, property appraisals, option to dedicate or grant easements, development agreements, the value of ravines, past damage to ravines and conservation easement language. Mick Montag, 1517 Squirrels Nest Point, Kasota stated his request for an amendment was for appraisal purposes and consistency with area cities. Mr. Montag indicated he supports the use

of conservation easements allowing private ownership of ravine property. A motion was made by Commissioner Kerry, seconded by Commissioner Meyer to table the request to allow staff to present additional information regarding this request. Vote on the motion: Kerry, Meyer, and Stoffel voting aye, Brunton and Beal voting nay; motion carried.

**Other Business**

In other business, staff presented a report on the Commerce Drive business and citizen public engagement meetings, and a report on the results of a temporary bump-out public survey.

There being no further business, it was moved by Commissioner Brunton, seconded by Commissioner Beal, to adjourn. Vote on the motion: all ayes, 0 nays; motion carried. The meeting was adjourned at 8:30 p.m.

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Chairperson

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Secretary